DOCUMENT RESUME

ED 406 512 UD 031 678

TITLE	Segregated Schools: Separate but Equal? The LegiSchool Project.
INSTITUTION	California State Legislature, Sacramento. Senate.; California State Univ., Sacramento.
PUB DATE	96
NOTE	60p.; A Town Hall Meeting.
AVAILABLE FROM	Senate Publications, 1020 N Street, Room B-53, Sacramento, CA 95814 ($3, includes shipping/handling, plus current California sales tax).
PUB TYPE	Collected Works - General (020) -- Reports - Evaluative/Feasibility (142)
EDRS PRICE	MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS	Affirmative Action; Black Education; *Black Students; Elementary Secondary Education; *Equal Education; Hispanic Americans; Mentors; Minority Groups; Racial Composition; *School Segregation; Sex Differences; *Single Sex Schools; *State Legislation; Tutorial Programs
IDENTIFIERS	*California; Latinos; Town Meetings

ABSTRACT

The LegiSchool Project of the California State Legislature and California State University conducts televised Town Meetings to provide a forum for dialogue about problems of interest in California education. This collection contains background readings and materials for the fifth of these Town Meetings, to be titled "Segregated Schools: Separate but Equal?" The following materials are selected to promote reflection and conversation: (1) Amendment XIV of the U.S. Constitution; (2) "Caught on the Wrong Side of the Line?" ("Los Angeles Times," July 13, 1995); (3) "Frustrated Blacks Dust Off the Concept of 'Separate but Equal'" ("Time Magazine," April 29, 1996); (4) "Integration Busing" ("Omaha World-Herald," July 14, 1996); (5) "Is Affirmative Action a Crime?" ("Sacramento Bee," April 18, 1996); (6) Letter to the Editor (F. E. Jordan, "San Francisco Examiner," May 21, 1996); (7) "California Suit Targets Minority Tutoring" (UPI, March 17, 1995); (8) "Community Colleges Alter Programs" ("San Francisco Chronicle," July 13, 1996); (9) "Mentoring Project for Latinos Threatened" ("Los Angeles Times," Ventura County Edition, June 11, 1996); (10) AB 3488 (Single Gender Academies Program Bill, July 22, 1996); (11) "Algebra Minus Boys" ("Sacramento Bee," March 24, 1996); (12) "Single-Sex Classes Are Going Public" ("Detroit News," February 22, 1996); (13) "A Room of Their Own" ("Newsweek," June 24, 1996); (14) Letters to the Editor ("Newsweek," July 15, 1996); (15) "Boys on the Side" ("U.S. News and World Report," August 5, 1996); (16) "Single Sex School Experimentation" (Richard Rothstein, January 17, 1996); (17) "Joining the Debate" ("Austin-American Statesman," July 15, 1996); and (18) Critical Thinking Questions. (SLD)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

UL

ED 406 512

A Town Hall Meeting

Segregated Schools:

Separate but Equal?

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
X This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

California State Capitol
Fall 1996

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL IN OTHER THAN PAPER COPY HAS BEEN GRANTED BY
Ellen McKean
Senate Publications
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

The LegiSchool Project

This event is a production of the LegiSchool Project: an educational collaboration between the California State Legislature and California State University.

UD031678

BEST COPY AVAILABLE

874-S

A Town Hall Meeting

Segregated Schools:

Separate but Equal?

California State Capitol
Fall 1996

The LegiSchool Project

This event is a production of the LegiSchool Project: an educational collaboration between the California State Legislature and California State University.

The LegiSchool Project

Segregated Schools:

Separate but Equal?

Dr. Ken Futernick, Project Director & Editor

Dr. Barbara Arnstine, Moderator & Editor

Dr. Timothy A. Hodson, Project Administration

The LegiSchool Project

Fall 1996

Dear Town Hall Meeting Participants:

This Fall, the LegiSchool Project will conduct the fifth in a series of televised Town Hall Meetings from the State Capitol in Sacramento. Once again, the meeting will be broadcast live via cable by the California Channel.

The purpose of these meetings is to provide a forum in which California high school students, educators, and legislators can engage in face-to-face dialogue about problems of mutual interest. The topic for this Town Hall Meeting is, *Segregated Schools: Separate but Equal?* Following this letter, you will find an overview of the topic.

Participants at this event include students from Northern California high school classes who will be seated in one of the large hearing rooms at the Capitol. Several of these students will sit at the dais in front, along with the legislators from both the Senate and the Assembly. Several classes watching from remote sites will be connected to us by telephone so that they, too, can ask questions of the panelists.

The moderator, Barbara Arnstine from CSUS, will lead a discussion among the panelists focusing on the issues presented in this packet. Later in the meeting, she will take questions from the students seated in the audience and then from students in the remote sites.

The background material, articles, and critical thinking questions included in this packet are designed to help the participants prepare for the meeting. We would like to encourage those of you who are interested in viewing the Town Hall Meeting to read the materials and discuss the questions before the event takes place on October 17th.

If you would like a video copy of the Town Hall Meeting or want more information about the LegiSchool Project, call our educator's hotline at 800-321-1966 or write to us at:

The LegiSchool Project
c/o Center for California Studies
California State University
6000 J Street
Sacramento, CA 95819-6081

We look forward to hearing from you and hope you enjoy the Town Hall Meeting.

Sincerely,

Ken Futernick, Ph.D.
Project Director

Topic Overview

Some students are never comfortable in school. They can't do the work, they don't fit in, and often they don't graduate. Instead, they disappear from the school system only to reappear in a new and frightening statistic such as the number of young males in prison or the number of unmarried teenagers who are pregnant.

Recently, a number of controversial proposals have been offered to make the school experience more rewarding for *all* students which, proponents argue, will lead to significant academic gains for many low achieving students.

One such initiative, recently signed into law by the Governor of California, provides funding to public school districts that want to create "single-gender academies." Advocates of this plan predict that the sense of belonging and respect that girls will achieve in all-female math classes will improve their performance and confidence in this subject. Similar initiatives for segregated classrooms are being studied throughout the country that would separate students, not just on the basis of gender, but also by race.

Are these initiatives a step forward or a step backward? Does segregation violate the principle of equal educational opportunity? The hard-fought struggle to achieve desegregation has, of course, led to strong arguments against segregation, but perhaps a case can be made that segregation is not *always* wrong. After all, most schools separate students by age; most group children by ability; and, although there has been a recent trend toward "full inclusion" of children with disabilities and special needs into mainsteam classrooms, these students have historically been taught apart from the rest.

How does society decide when it is okay to segregate students from one another? How do schools achieve their academic objectives and, at the same time, produce good citizens? Is it possible that some forms of segregation might actually lead to greater educational opportunity? What is really meant by a "quality" education? These are questions that will be considered at this LegiSchool Town Hall Meeting.

TABLE OF CONTENTS

	Page
Introduction	1
Amendment XIV of the U.S. Constitution	4
Caught on the Wrong Side of the Line? Los Angeles Times, July 13, 1995	5
Frustrated Blacks Dust Off the Concept of "Separate But Equal" Time Magazine, April 29, 1996	12
Integration Busing Omaha World-Herald, July 14, 1996	22
Is Affirmative Action a Crime? Sacramento Bee, April 18, 1996	28
Letter to the Editor San Francisco Examiner, May 21, 1996 by F.E. Jordan, CA Business Council for Equal Opportunity	29
California Suit Targets Minority Tutoring UPI, March 17, 1995	30
Community Colleges Alter Programs San Francisco Chronicle, July 13, 1996	31
Mentoring Project for Latinos Threatened Los Angeles Times, Ventura Country Edition, June 11, 1996	33
AB 3488 Single Gender Academies Program (edited bill), July 22, 1996	35
Algebra Minus Boys Sacramento Bee, March 24, 1996	38

Table of Contents (cont'd)

Page

Single-sex Classes are Going Public
Detroit News, February 22, 1996 39

A Room of Their Own
Newsweek, June 24, 1996 41

Two Letters to the Editor
Newsweek, July 15, 1996 43

Boys on the Side
U.S. News & World Report, August 5, 1996 44

Single Sex School Experimentation
by Richard Rothstein, January 17, 1996 46

Joining the Debate
Austin-American Statesman, July 15, 1996 49

Critical Thinking Questions 51

Segregated Schools:

Separate but Equal?

Introduction

Segregation has been a troublesome phenomenon in our society. On the surface, segregation can simply mean the deliberate separation of one group of people from another. By itself, the definition of segregation is neutral.

What becomes troublesome about segregating people are our purposes for doing it, and the consequences that occur. In schools we segregate students by age, but no one even thinks about it as segregation because it is so familiar. We assume that age segregation helps students learn more efficiently and in the right sequence. Most forms of segregation in school are advocated because it is believed they will promote more effective learning. Segregating students by age or ability is done today on the grounds that students will learn more effectively -- that this kind of segregation will increase educational opportunity rather than deny it.

If we think of gender, ethnicity or race as possibilities for school segregation, we can quickly see they are far more controversial because, many argue, this kind of segregation can lead to "denial of opportunity."

In a democratic society, one of the values of the community is equal opportunity. We put up with the difficulties of living together because we think we are going to get a fair chance in the courtroom, in school, in getting employed. The history of a democratic society is a history of the struggle to give everyone a fair chance -- the struggle for equal opportunity.

The other side of that struggle, however, is the suppression of equal opportunity, and in our society that suppression has often taken place through segregation. People of color could not drink out of water fountains, go to restaurants or movies, ride in the front of the bus or buy houses that were for "whites only." But, most particularly, students could only attend schools that were for "their race." Segregation historically became the most effective way to deny African-Americans and Native Americans equality of opportunity. The destruction of segregation through integration became a major political and educational goal during the last half of this century.

The neutral definition of segregation and the contrast of its consequences are seen in two Supreme Court cases that have affected school policy for the last hundred years. (Thankfully, Supreme Court decisions are written in ordinary language, so you may want to take a look at these cases.) In the first case, Plessy vs. Ferguson, in 1896, the court assumed the neutral meaning of the term segregation (separation for the accomplishment of some purpose) would lead to neutral results. Separation was permissible because both races would receive an "equal" education. The decision assumed that, while "separate," the students would still be "equal" in opportunities.

Common experiences give our words a new impact, however. And the common experience of African-Americans from 1897 to 1954 continued to be that "separate" was not "equal" at all. By 1954, a unanimous Supreme Court agreed that "separate" in terms of education was "inherently unequal." Thus, the consequences of segregation -- a denial of opportunity -- became the expected outcome, and segregation by race and ,eventually, gender became practices that were thought to be unfair and undemocratic.

Segregation was no longer encouraged. It needed to be stamped out, and a restoration of equal rights was necessary. Ending "discriminatory practices" and "achieving integration" became important political and educational goals in the 1960s. The 1964 Civil Rights Act promised the end of discrimination in public activities for all Americans when that discrimination was based on religion, race or gender.

In many ways we have ended the segregating practices that existed before the Brown decision of 1954 and the Civil Rights Act of 1964. There are no drinking fountains labeled "white only;" women attend military schools; and we have elected a President who was a Catholic. Some practices that were a regular part of our experience only 50 years ago would not be tolerated today. There is plenty of evidence to show that segregation, when it leads to a denial of opportunity, has been vigorously attacked by our courts, our schools, and our political institutions.

But, how successful has integration been? That is the problem we face in our society today, and it is the heart of this topic. It is important to remember that you can't just stop the kind of segregation that is inequitable and unfairly discriminatory. You must do something else in its place. Many who have opposed discrimination and segregation over the last 50 years have become advocates of integration and affirmative action policies. And for the past 50 years the guiding values of school policy have been to make sure that schools are integrated so that students of different races, religions, ethnicity and gender would attend school together. In order to achieve this integration, policies of affirmative action have set goals of diversity for educational communities and school practice.

What does a goal of diversity lead to? Well, even if boys can run faster, there must be opportunities for girls to run as well. The reasons girls should get these opportunities to run are twofold. First, because they were not given opportunities to run in the past, girls may not be naturally slow. If we help girls to run now, they may eventually catch up. The second reason is that in a democratic society, opportunities cannot be left to just the swiftest, especially when the swiftest all come from the same privileged group. If this is allowed to happen, those who run fastest will think they are owed everything, and those who do not will envy and hate them.

You can see the problems this viewpoint creates in the following articles on integration and affirmative action. After 50 years of effort in the schools, many think these policies have failed. Others think that we have not made nearly the effort required to carry out the policies of integration and affirmative action.

Some educators and political leaders are now willing to reconsider segregation by gender and by race as a way to create new opportunities for success in school. Others think that segregation will always lead to the inequities and unfairness we have seen in the past. Each side is firmly convinced they have facts that support their respective positions. What makes the debate interesting is that there are facts that support both sides of the argument.

Which brings us to the one thing that is certain in these arguments. That is that you will have to decide. Affirmative action, integration, segregation are public policies. They are not decided by experts in education, politics or economics. These decisions belong to all citizens, since we alone must decide what the quality of our lives should be. What is a quality education? Can we achieve academic success and produce good citizens as well? How should we decide when and if to segregate students? These are questions that all citizens must consider.

You have almost finished your public education. Many times you thought things in school were unfair, and you were probably angry about it. You were probably right about it a lot of the time, too. But now it is time for you to think about unfairness in a deeper, less personal way. What is unfair to all students? What should school policy be for the next generation in order to achieve and maintain equal opportunity? Each generation must decide these issues. Your turn is coming.

AMENDMENT XIV [1868]

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

"It is, of course, quite true that the responsibility for public education is primarily the concern of the States, but it is equally true that such responsibilities, like all other state activity, must be exercised consistently with federal constitutional requirements as they apply to state action. The Constitution created a government dedicated to equal justice under law. The Fourteenth Amendment embodied and emphasized that ideal. State support of segregated schools through any arrangement, management, funds or property cannot be squared with the Amendment's command that no State shall deny to any person within its jurisdiction the equal protection of the laws. The right of a student not to be segregated on racial grounds in schools so maintained is indeed so fundamental and pervasive that it is embraced in the concept of due process of law."

United States Supreme Court
Cooper vs. Aaron
358 U.S.1. 1958

CAUGHT ON THE WRONG SIDE OF THE LINE?

CHINESE AMERICANS MUST OUTSCORE ALL OTHER GROUPS TO ENTER ELITE LOWELL HIGH IN SAN FRANCISCO, SPARKING AN UGLY BATTLE OVER DIVERSITY AND THE IMAGE OF A 'MODEL MINORITY'

Los Angeles Times, July 13, 1995
Copyright 1995 The Times Mirror Company
By Elaine Woo
Reprinted with permission

For many of its 139 years, Lowell High School -- alma mater of Nobel laureates, a California governor and a Supreme Court justice -- has been a magnet for this city's smartest public school students.

Today, the fiercely scholastic campus is a battleground in the war over racial preferences. But the furor surrounding it takes a unique twist.

In this polyglot city on the bay, it is Chinese Americans -- not the proverbial "angry white males" -- who are crying foul, claiming that the school pays more attention to the color of an applicant's skin than to the academic excellence it has long fostered.

Their allegations have ignited an ugly dispute in this liberal bastion -- one that reflects the rising national preoccupation with merit, equality and finding a balance between the two.

The protest also shines a light on the complexities of affirmative action, recast by years of demographic upheaval that have turned minorities into majorities, blurring once-stark color lines. Asian Americans are Exhibit A in the newly unfolding battle, their conflicting images -- model minority or targets of longstanding bigotry? -- confounding the debate.

At issue is the admissions system at Lowell, the oldest and one of the most prestigious public high schools west of the Mississippi. Like other elite public schools, it selects students according to grades and test scores.

But at Lowell, enrollment is dictated in part by court order, and to maintain the required ethnic balance, Chinese Americans must post higher scores than other racial or ethnic groups. So Chinese Americans who would qualify if they were white, black, Latino or of Japanese or Korean ancestry are routinely rejected.

The district devised the system to comply with a 12-year-old desegregation plan, widely hailed as one of the nation's most progressive for its multiracial definition of integration.

"This is absolutely a unique school district," says Gary Orfield, a Harvard University school desegregation expert who led a court-ordered review of the plan two years ago.

"It's one-sixth white, one-sixth Hispanic and one-sixth black . . (and) Chinese

Americans are the single largest group. It's not an everyday situation."

Instead of focusing mainly on mixing blacks and whites -- whose numbers continue to shrink in the San Francisco Unified School District -- the plan recognizes nine racial and ethnic classifications and allows an integrated setting to include any four groups. For instance, a campus can be considered integrated if it mixes Latinos, Chinese Americans, African Americans and Filipinos.

But the ethnic balancing plan also forbids any group from exceeding 45% at a neighborhood school or 40% at an alternative school, such as Lowell. And therein lies the dilemma.

Because of their demand for challenging classes and tendency to outperform others academically, Chinese Americans regularly bump against the numerical ceilings. This is especially true at the flagship school, where they apply, qualify for and accept admission in higher numbers than other groups.

For this fall's freshman class, Lowell rejected 94 Chinese Americans with scores as good as students admitted in other categories. Last fall, 90 Chinese Americans were excluded.

Even with the restrictions, Chinese Americans tip the ethnic scales, making up 43% of the school's 2,650 students. About 4.4% are black, 9.3% are Latino and 16.1% are white. Japanese, Koreans and Filipinos account for 14.5%, while "other nonwhites" such as Samoans, Vietnamese, Cambodians and multiracial youths make up 12.2%.

Class-Action Lawsuit

Supporters of the tiered system fear that, without it, Chinese Americans would overwhelm the school, thwarting diversity goals and denying disadvantaged students with academic potential the chance to benefit from Lowell.

But, charging that the system robs them of educational choices, three Chinese American families filed a class-action lawsuit in federal court last year challenging the desegregation plan. Defying the multiracial coalition that supports the plan, they argue that the racial quotas are unconstitutional, violating their right to equal protection under the 14th Amendment.

The district filed a motion in May to dismiss the suit, contending that it belatedly raises issues addressed in earlier proceedings. A ruling on that motion is expected this summer.

The lawsuit has caught the attention of leaders of the drive to place an anti-affirmative action measure on the 1996 state ballot. Even though the so-called "California civil rights initiative" would have no effect on Lowell if it passes, its backers have seized on the plight of Chinese Americans there as an example of the evils of race-based preferences.

The angry young Chinese Americans at the helm of the Lowell fight insist that they are not opposed to affirmative action and see no contradiction in their cause. The children of immigrants, or immigrants themselves, they speak instead of dreams betrayed, of

disillusionment with the notion that hard work could obliterate the barriers of skin color.

"I grew up knowing a lot of racism," said Lee Cheng, 23, a UC Berkeley law student and spokesman for the San Francisco chapter of the Chinese American Democratic Club, the group behind the legal battle.

"I was beaten up as a kid, referred to as a chink, a Chinaman. But in school I was taught that the laws will treat everyone the same, that discrimination was being eliminated.

"Then my friends and I applied to public high school. We discovered that if you are Chinese, you have to do better than anyone else."

Cheng attended Lowell, graduating in 1989. Linda Lee's 15-year-old son was not as lucky.

The prospective freshman, who asked not to be identified, applied last year, scoring 61 on the school's 69-point admission index. As a Chinese American, he needed 62 to get in. For whites and other Asians, the cutoff was 58, and for others the standard was even more lenient.

Her son's failure to gain admission, his mother said, stirred anger and self-hate.

"He said it is not fair," Lee recalled. "He said, 'Why a lower score for others? I have good grades, better than them.' He said, 'Why am I Chinese?' "

An immigrant who lives in the city's Mission district, Lee believes that the current system damages race relations. The solution, in her view, would be to have one admission standard and no limits on any group.

The district argues that the caps are fair and just. They "put some restriction on all races and ethnic groups in order to ensure that desegregation occurs," said Aubrey McCutcheon, a district lawyer.

The rules apply to all the schools, he stressed. "We don't single out one school because one race would like to go there more than others."

In response to the outcry, the district is examining alternatives, hoping to have new admission guidelines by the fall of 1996. One proposal would create two pools of applicants -- one chosen strictly by grades and scores and one based on additional criteria, including ethnicity. Another proposal would create a pool of applicants who meet a uniform set of standards, with finalists selected by lottery.

Lee's son, who wound up at another alternative school, wanted to attend Lowell because, like many San Franciscans, he saw it as a pipeline to prestigious UC Berkeley. Lowell sends more graduates to the nine UC campuses than any high school in the country.

In a city of immigrants, it is viewed, simply, as a ticket to success.

Distinguished Alumni

Lowell has produced a governor (Edmund G. Brown Sr.), scientists and artists (naturalist Dian Fossey, sculptor Alexander Calder), Nobel laureates (physicist Albert Michelson, physiologist Joseph Erlanger) and a United States Supreme Court justice (Stephen G. Breyer).

Last year, it ranked eighth in the nation out of more than 10,000 high schools in the number of Advanced Placement tests administered, and almost nine of 10 students passed the rigorous exams. The curriculum is extensive -- Korean and Philippine language courses were recently added. The library is linked to the Internet. And nearly half of the teaching staff have master's degrees or doctorates. It has been named a California Distinguished School by the state Department of Education four times in nine years.

Tucked away in the Sunset district, a middle-class enclave on the west side of town, the campus is atypical in other ways, too.

At almost any time of day, scores of youths line the corridor floors in the main classroom building, using their free period to pore over notes, read or study with friends.

While bells are a constant intrusion at most schools, here they are rung only at homeroom and to summon a custodian. Lowell students don't need help to remember when it's time for class.

"I always wanted to go here," said sophomore Kelli Thomas-Drake, 16. "It's like a private school setting. Kids know what to do and are mature about it. It's really the place to be academically."

Lowell's appeal is heightened by parents' perception that the quality of San Francisco schools is generally poor.

In 1978, the local NAACP sued the district, charging that its segregated schools provided black children in particular with an inferior education.

Five years later, the lawsuit ended in a consent decree signed by the district, the state Department of Education and the NAACP and approved by a federal judge.

The plan was more than a blueprint for busing, although busing is a major feature of district desegregation efforts. It took the unusual approach of calling for the overhaul of teaching and administrative staffs at schools with particularly dismal records.

But the overall academic benefits have been disappointing. The committee found that most black and Latino high school students still have low test scores and high dropout rates. In 1993, the dropout rate for blacks and Latinos was 24%, six points higher than the district average for all students and nine points higher than the state average.

The hunger for a top-notch education is evident each winter when applications open at Lowell. The school typically

receives more than 1,800 applications for 600 to 700 freshman slots.

For this fall's freshman class, Chinese Americans had to score at least 63 on the 69-point index. Whites and other Asian Americans could score 60. For Latinos, African Americans and Native Americans, the cutoff was 55. A fourth track specifically for affirmative action admits blacks and Latinos with scores between 50 and 54 and gives them extra tutoring and other support.

The cutoffs are recalculated each year and based on factors including the number from each ethnic group expected to apply and accept admission.

But the results of such intricate engineering still fall short. Outside of class, students self-segregate. At lunch there are black tables, white tables, Asian tables.

Not far beneath the surface, some students say, are ugly stereotypes, held by students but also by some of the predominantly white faculty: Asians only care about grades. Blacks aren't smart enough to be here.

"A lot of people are stigmatized because of the (admissions) system," said Thomas-Drake, who is black. Although she was admitted with a 65, she feels "there's a message" from some teachers and students "that you're not good enough to get in on your own."

Nicole Williams, 16, an African American sophomore, said she is so disheartened by the low expectations that she regrets coming to Lowell. But, like other students, she thinks Lowell cannot afford to eliminate a system that strives for a better ethnic mix.

Some Chinese-American students agree.

Senior Brian Chan, 17, said the pressure among Chinese Americans to get good grades can be unhealthy, leading many to overlook the value of extracurricular activities.

"In Chinese families, school is first and other activities come later. If the school were more diverse," Chan said, "it would be more relaxed here."

Before the consent decree was enacted, the school had been predominantly white, the result largely of demographics and racist admissions practices, district critics say. The persistence of such "racially identifiable" schools was one reason why the NAACP brought its original lawsuit, said Peter Cohn, attorney for the group.

The NAACP -- along with the district and the state Department of Education -- is a defendant in the current suit.

The NAACP opposes the suit, Cohn says, pointing to the substantial Chinese American enrollment as proof that they "are in fact not being denied equal protection of the laws."

Dispute About Discrimination

Some observers have suggested that the Lowell debate is really a case of Chinese Americans being cursed by their own success, that -- like whites before them --

they must be held back to allow others a chance to succeed.

Others vehemently disagree, arguing that Chinese Americans continue to face discrimination. The case resonates with members of the Bay Area branch of the American Jewish Committee, which backs the lawsuit, seeing parallels with battles 40 years ago over Jewish quotas at some elite universities.

Indeed, the situation at Lowell mirrors controversies at UCLA and Harvard, which faced charges in the 1980s that qualified Asian Americans were being excluded because of quotas.

"We are really at a very important point," said Amy Chang, chairwoman of the education committee of the Chinese American Democratic Club. "What are Asians going to do with these rising barriers?

"This lawsuit isn't about getting a few more Chinese kids into Lowell. It's about the importance of protecting individual rights.
"The Chinese are getting screwed here."

Such arguments do not sit well with Henry Der, the head of Chinese for Affirmative Action, a San Francisco civil rights group at the forefront of many fights over limits on Asian-American university enrollment.

Der opposes the lawsuit, citing numbers showing that Chinese American students are overrepresented at special schools such as Lowell. He also argues that the legal challenge imperils a greater good.

"Ultimately you have to ask, is it in the interest of Chinese students . . that students of other backgrounds are not succeeding or not gaining access to schools that put them on the road to academic success? I tend to think it is not in our interest."

He said the suit "shows the Achilles heel of the Chinese community. Clearly, Chinese Americans buy into this notion of merit . . But in the whole education arena, we seem to turn a deaf ear to members of other groups who experience educational problems."

The Lowell case illustrates an important shift in the affirmative action debate, said UC Santa Cruz sociology professor Dana Takagi. More sympathetic as victims than are whites, Asian Americans have become "the new poster children" of the anti-affirmative action movement, she said.

Takagi believes that Lowell's restrictions on Chinese American enrollment are unfair. But there is greater danger, she suggests, in oversimplifying the debate.

"What the debate is about is trying to balance the assumption, really an illusion, that we should be judged by merit and that we should all have equal opportunity.

"The playing field is not level. What Lowell is trying to do is . . deal honestly with how we educate different parts of the population and try to level that playing field. That ultimately is what the civil rights agenda is about."

Principal Paul Cheng is optimistic that the emotional clashes over who deserves a seat at Lowell will be satisfactorily resolved. He noted that an aggressive recruiting campaign last year by the PTA broadened the applicant pool for the fall class, bringing in more whites, Latinos and blacks.

But a steep challenge remains.

"We are dealing with the paradoxes and contradictions of American society," he said. "We're asked to be proponents of individual merit, yet at the same time we need to recognize the need for . . . correcting past injustices and past discrimination. Some people don't like the way it's being done.

"Like any good democracy, we're just going to have to debate this thing out."

Frustrated Blacks Dust Off the Concept of "Separate But Equal"

Time Magazine, April 29, 1996
Copyright 1996 The Time Inc. Magazine Company
by James S. Kunen
Reprinted with permission

In room CCII (make that 202) of Martin Luther King Latin Grammar Middle School in Kansas City, Missouri, Ms. Dickerson's rhetoric students are engaged in a public-speaking contest. Sixth-grader Jo Ann Carter, dressed in the school uniform of white blouse and plaid skirt, has chosen a speech by the school's eponym: 'If something isn't done, and in a hurry, to bring the colored peoples of the world out of their long years of poverty, their long years of hurt and neglect," she declaims forcefully, "the whole world is doomed."

Jo Ann's mother Catherine Carter looks on approvingly. Jo Ann has earned all A's except for a B in phys ed, and her mother's got the report cards in her pocketbook to prove it. "I was lucky to get her into this school," says Carter, a medical secretary. King, a one-story brick building in a ramshackle area well east of Troost Avenue--Kansas City's approximate racial dividing line--offers an enriched program of classical language and related subjects such as rhetoric. "Well, not lucky--I lied. She didn't get in the first time, so I applied again and said she was white."

This is what things have come to in the latter days of school desegregation in Kansas City. For the sake of desegregation, blacks are sometimes barred from the most popular schools on account of their race, lest they tilt the enrollment too far from the goal of 35% white students. Like most urban systems, the Kansas City, Missouri, School District (KCMSD) has lost white students to the suburbs in droves, which has made the task of achieving racial balance nearly impossible. After deciding that inner-city students could not be bused out to the suburbs as part of a mandatory desegregation plan, a federal district court ordered the state and KCMSD to spend $1.7 billion to create a top-notch system, in part to lure suburban whites. Then, last June, the Supreme Court decreed that the district court had no authority to order expenditures aimed at attracting suburban whites.

When the history of court-ordered school desegregation is written, Kansas City may go down as its Waterloo. Said to be the nation's most ambitious and expensive magnet plan, Kansas City's effort is unlikely to be matched anywhere. In fact, the high court's action has accelerated the pace at which cities across the country are moving to undo mandatory desegregation (see map). And the federal judiciary, which long staked its authority on the enforcement of desegregation orders, appears eager to depart the field. Chris Hansen of the

American Civil Liberties Union in New York City observes, "The courts are saying, 'We still agree with the goal of school desegregation, but it's too hard, and we're tired of it, and we give up.'"

After two decades of progress toward integration, the separation of black children in America's schools is on the rise and is in fact approaching the levels of 1970, before the first school bus rolled at the order of a court. Nationally, fully a third of black public school students attend schools where the enrollment is 90% to 100% minority--that is, black, Hispanic, Asian and Native American. In the Northeast, the country's most segregated region, half of all black students attend such schools. "We have already seen the maximum amount of racial mixing in public schools that will exist in our lifetime," says University of Indiana law professor Kevin Brown, an expert on race and education. The combination of legal revisionism and residential segregation is effectively ending America's bold attempt to integrate the public schools.

This historic reversal has been welcomed by many in the African-American community. In some cities--Denver, for example--the dismantling of mandatory desegregation has been initiated by black leaders, since it is often black children who bear the brunt of such plans--forced to travel long distances to schools where they may not be welcome. In Yonkers, New York, late last year the local leader of the N.A.A.C.P. was suspended by the national organization for declaring that busing had outlived its usefulness. Clinton Adams Jr., a black attorney who is sufficiently abrasive to qualify as a militant in Kansas City--a town so even-tempered that car horns are blown only to warn of impending collisions--takes an even harder line. "The most egregious injustice is the situation where suburban white kids get priority over resident African-American kids, who are the adjudicated victims of segregation," he says. "That's atrocious. Just to try to achieve some kind of mythical benefit that black kids will receive by sitting next to a white kid?"

Homer A. Plessy, described in court papers as "of mixed descent, in the proportion of seven-eighths Caucasian and one-eighth African blood," bought himself a first-class ticket from New Orleans to Covington, Louisiana, and took a seat reserved for whites on the East Louisiana Railway. He was jailed for violating an exquisitely even-handed, race-neutral statute that forbade members of either race to occupy accommodations set aside for the other--with the exception of "nurses attending the children of the other race." Plessy insisted he was white, and when that failed, argued that criminal-court judge John H. Ferguson had violated his constitutional right to the equal protection of the laws.

In its ruling on Plessy v. Ferguson, announced May 18, 1896, the Supreme Court declared laws mandating that "equal but separate" treatment of the races "do not necessarily imply the inferiority of either race," and cited the widely accepted propriety of separate schools for white and colored children. In dissent, Justice John Harlan remarked,

"The thin disguise of 'equal' accommodations...will not mislead any one, nor atone for the wrong this day done."

But the thin disguise endured for a half-century, until a series of school-segregation cases culminating in Brown v. Board of Education of Topeka. "Separate educational facilities are inherently unequal" and violate the Constitution's equal-protection guarantee, a unanimous Supreme Court ruled on May 17, 1954. A year later, the court ruled that school districts must admit black students on a nondiscriminatory basis "with all deliberate speed" and instructed the federal district courts to retain jurisdiction "during this period of transition."

The nation is still in that period of transition, observes Kenneth Clark, 81, the black sociologist upon whose work the Brown decision in part relied. "I didn't realize how deep racism was in America, and I suppose the court didn't realize it either," he says. Ten years after Brown, when only 2% of black children in the South attended schools with whites, the court announced, "The time for mere 'deliberate speed' has run out." In 1968 the court declared that discrimination must be "eliminated root and branch." In 1971, noting that about 40% of American school children routinely rode buses to and from school anyway, the court held in Swann v. Charlotte-Mecklenburg Board of Education that the federal courts could order busing to desegregate schools.

Busing broke the back of segregation in the South, where 36.4% of black students attended majority-white schools by 1972. But Chief Justice Warren Burger's opinion in Swann also opened the door for the federal courts to get out of the integration business. Once legally enforced segregation was eliminated, he wrote, single-race schools would not offend the Constitution unless some agency of the government had deliberately resegregated them.

Since the end of World War II, as blacks have streamed into the cities in search of work, whites have streamed out--in search of greener lawns, whiter neighbors. Anytime blacks were able to breach the wall of restrictive covenants, brokers' steering and mortgage redlining to begin to integrate a neighborhood, white flight and resegregation quickly followed. By 1970, with the white birthrate plunging, Northern urban school districts, which seldom extend beyond city limits, lacked enough white children to desegregate.

A dearth of whites led a federal court to order the city of Detroit to integrate its schools with those of 53 surrounding districts. In 1974 the Supreme Court struck down that order, holding in Milliken v. Bradley that suburban districts could not be ordered to help desegregate a city's schools unless those suburbs had been involved in illegally segregating them in the first place. Justice Thurgood Marshall warned in dissent that the court had set a course that would allow "our great metropolitan areas to be divided up each into two cities--one white, the other black..."

That is exactly what happened. School segregation exacerbated residential segregation, as whites chose not to live in neighborhoods served by predominantly minority schools. Detroit's public school system is now 94% minority. By 1990, in the 18 largest Northern metropolitan areas, blacks had become so isolated that 78% of them would have had to move in order to achieve an evenly distributed residential pattern. The Milliken ruling, says Indiana University's Brown, "eliminated all hope of meaningful desegregation in most of the country's major urban areas."

This was the state of affairs when, in 1976, the Federal Government threatened to cut off funds to the KCMSD because it had maintained a dual system of segregated schools. Pro-integration kitchen-table activists who had won control of the KCMSD school board responded by suing suburban school districts and the State of Missouri, arguing that they had worked to confine blacks to the inner city.

Until the Brown decision, schools were segregated by law in Missouri; after it, the state allowed desegregation at the discretion of local school boards. Many of the suburban districts (parts of which extended into the city) had not allowed blacks to attend high school, forcing black families to move into central Kansas City in search of education. As the city's minority population grew, the KCMSD redrew school-attendance zones hundreds of times and bused some black children far from their neighborhoods in order to keep the races apart.

Federal District Judge Russell G. Clark, a conservative Democrat, ruled that the state and KCMSD had violated the Constitution, but he dropped the outer districts from the case, finding insufficient proof that they had acted illegally--a decision he would have cause to regret. "The very minute I let those suburban school districts out, I created a very severe problem for court and for myself, really, in trying to come up with a remedial plan to integrate the Kansas City, Missouri, School District," the judge reflected years later. "The more salt you have, the more white you can turn the pepper. And without any salt, or with a limited amount of salt, you're going to end up with a basically black mixture."

KCMSD's only remaining hope for racial balance was a system of magnet schools designed to lure whites back from private schools and the suburban districts In 1986 Judge Clark ordered such a plan. After the KCMSD's enrollment became majority black in 1970, the district's voters, who remained majority white, had allowed the schools to literally fall apart, rejecting funding initiatives 19 times while pipes burst and ceilings collapsed. In addition to smaller classes and higher teacher salaries, Judge Clark's order required renovation of 55 schools and construction of 17. When the school district failed to come up with its quarter of the cost--Clark had laid three-quarters of the bill on the state--the judge took the unusual step of doubling the local property tax. The money

bought, among other things, a planetarium, radio and TV studios, and 1,000 computers for Central High School's 1,069 students. Central, which before Clark's order was awash in broken toilets and overrun by rodents, now occupies a $32 million building that resembles a small city's airline terminal and features an Olympic-size swimming pool.

The KCMSD's annual per-pupil expenditure, excluding capital costs, reached $9,412 last year, an amount exceeded by perhaps 40 of the nation's 14,881 school districts. All together, as of this February, $1.7 billion has been spent under court order in Kansas City.

Sugar Creek Elementary is a French-immersion school. An integrated teaching staff of native French speakers recruited from France, Belgium, Canada, Haiti, Egypt and Cameroon keep the children speaking only French, from the Pledge of Allegiance ("Je declare fidelite au drapeau des Etats-Unis...") through recess to the end of the day. The kids even talk out of turn in French. "They're so eager to learn everything, they pick it up like a sponge," says kindergarten teacher Janet Lawrence.

A third of the students are white, and a third of those come from outside the district--transported by parents such as Virgil Adams. (The state stopped paying for transportation into the district this year.) Adams or his wife makes a 28-mile round-trip drive twice a day from Blue Springs, a suburb of tidy lawns and two-car garages, so that Sarah can go to second grade and William to third at Sugar Creek. They were drawn by the foreign-language instruction, but Adams, an FBI agent based in Kansas City, sees the social mix itself as an important advantage. "Somewhere on the news one night the word nigger was used," he recalls. "My son asked me what it meant. I thought that was great; if he'd been around my dad three or four days in a row, he'd have known. We didn't want to bring up our kids that way."

For all its moral appeal, however, the Kansas City plan's achievements appear modest when weighed against its enormous expense. The number of out-of-district white children enrolled at the magnet schools peaked at 1,476 last year. Standardized test scores have registered slight gains. White flight, while substantially slowed, has not been reversed: in 1985, the year before the magnet plan began, the district was 73.6% minority; this year it is 75.9% minority. If nothing else, horrible school facilities have been replaced with nice new ones, and for some that is justification enough. "I bet a lot of kids in Kansas City are enjoying their childhood more now that they don't have to go to schools that smell," says author Jonathan Kozol, a longtime chronicler of educational injustice. "A good society would consider that money well spent."

His is not the prevailing view in Missouri, where for the past decade candidates for just about any office have been running against what much of the electorate perceives as Judge Clark's liberal-from-hell spending spree. Attorney General Jay Nixon expresses

outrage that the state has spent $ 2.6 billion on court-ordered school desegregation in metropolitan St. Louis and Kansas City. He is seeking "unitary status"--that is, an end to court supervision based on a judicial finding that the system is desegregated--in both cities. "I'm a Democrat, and I want to help kids' educations," he says. "But to see the fencing team in Kansas City sent to Hungary because it showed up good in the focus groups and the whites would think it's cool, is just ridiculous."

The U.S. Supreme Court evidently agrees. In Missouri v. Jenkins, the court held last June that Judge Clark had no authority to order the state and district to pay for a plan aimed at attracting suburban students. Chief Justice William Rehnquist pointedly reminded the district court that its ultimate goal was not to achieve racial balance but to restore state and local authorities to the control" of the school system Once the lingering effects of legally enforced segregation were eliminated, it would be perfectly legal for the district to run schools that happened to be all black or all white. As Justice Clarence Thomas explained, "The Constitution does not prevent individuals from choosing to live together, to work together, or to send their children to school together, so long as the State does not interfere with their choices on the basis of race."

For the KCMSD, Missouri v. Jenkins portends a big reduction in the state's extraordinary desegregation payments. For court-ordered desegregation generally, the decision's implications could be dire. Says associate director of the naacp Legal Defense Fund Ted Shaw, who argued the Kansas City case before the high court: "If the courts say unitary status means school districts just have to get to the point where a desegregated snapshot can be taken, and then they can go back to the segregating school assignments they had before--if that's all Brown has done, it's been a big charade."

If resegregation is indeed the wave of the future, then the future can be glimpsed in Norfolk, Virginia. Norfolk won federal court approval of a return to neighborhood schools back in 1986, for the stated purpose of increasing parental involvement and arresting white flight. Black parents had sued to block the new plan because it would immediately render 10 elementary schools, many of them serving housing projects, 100% black. Sociologist David Armor, retained as an expert witness by the school board, predicted that if Norfolk's crosstown busing continued, the whole school system would soon become 75% black, making racial balance impossible. "Civil rights groups have always discounted the importance of whites," he says today, "which has always been a mystery to me. It's as though their goal were some abstract equity thing, as opposed to actual integration." The court accepted Armor's argument.

"It was turning back the clock. It was like being told you have to go to the back of the bus," recalls Lucy Wilson, then an associate dean at Old Dominion University and one of two black school-board members who initially voted against the plan. When the federal

court's ruling rendered the return to neighborhood schools inevitable, Wilson and the other dissenter changed their votes in exchange for a commitment that the all-black schools would be targeted for resources, though Wilson doubts the promise will be kept forever. (As Harvard School of Education sociologist Gary Orfield has observed, "A less powerful group isn't going to get disproportionate resources for a very long time from a more powerful group. It requires that water flow uphill.") For the 1993-94 school year, the district's average expenditure per pupil in the black "target" elementary schools was $736 higher than at Norfolk's other elementaries, while class size averaged 20 pupils, two or three fewer than at the other schools.

Still, test scores dropped at the 10 target schools after the end of busing. In 1991 black third-graders in the target schools scored 5 percentage points lower than black third-graders in the remaining integrated elementaries on a battery of tests. Last year black third-graders in the target schools tested 10 percentage points lower.

Young Park Elementary occupies a well-kept building set among the barracks-like structures of Norfolk's Young Terrace public housing project. Of its 341 students, 98% are black and 94% are poor enough to qualify for the free-lunch program. This year so far, the parents or guardians of 60 to 70 kids have joined the PTA. "Some of the children arrive at school not knowing their full name; they just know their nickname," says principal Ruby Greer, who has managed to improve test scores and attendance. "They don't know how to hold a pen or a book. And it seems like you never catch up."

A five-minute drive away from Young Park stands Taylor Elementary. This is the neighborhood school of white children from the large houses on the surrounding tree-lined streets; and of black children from nearby, mostly working-class neighborhoods. Sixty-one percent of Taylor's 433 children are white, and only 30% qualify for the free-lunch program. One hundred percent of the children's parents are in the pta, which runs 22 committees. In 1994, 88% of Taylor's fourth-graders surpassed national norms on standardized tests. At Young Park, 7% did.

"The whole discussion of desegregation is corrupted by the fact that we mix up race and class," says Harvard sociologist Orfield. "You don't gain anything from sitting next to somebody with a different skin color. But you gain a lot from moving from an isolated poverty setting into a middle-class setting." National statistics provide suggestive evidence that desegregation raises blacks' academic achievement (without lowering whites'), despite its apparent failure in such high-profile cases as Yonkers--where middle-class flight left low-income students concentrated in high-poverty schools. A massive 1993 Department of Education study of Chapter One, the compensatory-education program for poor children, found that recipients of Chapter One services in schools where at least three-quarters of the children were poor scored

substantially lower in math and reading than recipients attending schools where fewer than half were poor.

And, in fact, since the onset of widespread desegregation in 1971, black 17-year-olds have closed roughly a third of the reading-score gap that separated them from whites. A soon-to-be-released study by Debora Sullivan and Robert L. Crain of Teachers College, Columbia University, reports that among 32 states, the gap between black and white fourth-grade reading scores is narrowest in West Virginia and Iowa, where blacks are least isolated from whites, and largest in Michigan and New York, where blacks are the most racially isolated.

Crain and others have found, however, that academic-achievement tests are only one measure of what schools offer--another important one being what researchers call "life chances." The "great barrier to black social and economic mobility is isolation from the opportunities and networks of the middle class," Crain says. School desegregation puts minority students in touch with people who can open doors to colleges and careers.

In 1966 a randomly selected group of kindergarten-through-fifth-grade low-income students in Hartford, Connecticut, nearly all of them black, were offered the opportunity to attend school in a dozen virtually all-white suburbs. Sixteen years later, researchers tracked down more than a thousand of those who had been tapped for the program and a like number of those who had not. Crain found that males in the test group were significantly more likely to have completed two or more years of college and less likely to have dropped out of high school or got in trouble with the police, and females were less likely to have had a child before age 18.

School desegregation also leads to housing desegregation, not only by promoting tolerance but also, to put it bluntly, by making it impossible to avoid an integrated school by choosing where you live. According to a study by Louisville's Fair Housing Council, Jefferson County's school-desegregation program reduced residential segregation to such an extent that by 1990, though only 17% of the area's residents were black, a mere one-quarter of 1% of the population lived in a census tract without black neighbors.

But in the case of Louisville, a great desegregation success story, the city and suburbs are in a single school district. In most Northern cities, white flight has undermined even the best efforts at racial balance, and the measurable benefits of desegregation programs have been spottier--while the burdens, particularly on black students, have often been enormous. There has always been some preference in the black community, as in the white, for neighborhood schools (though these may be more an ideal than a reality for the children of the poor, who tend to move, or be moved, a great deal). And there is a realistic pessimism about the prospects for integration. Says the Legal Defense Fund's Shaw: "My sense is a lot of people are saying, 'We're tired of

chasing white folks. It's not worth the price we have to pay.'"

Edward Newsome, an African-American lawyer in the real estate business who himself attended a segregated school in Texas, is a leader of the anti-magnet plan coalition that has dominated the Kansas City school board since 1994. He feels the underlying assumptions of desegregation are patronizing to blacks--as does Justice Thomas. "It never ceases to amaze me," wrote Thomas in his Missouri v. Jenkins concurrence, "that the courts are so willing to assume that anything that is predominantly black must be inferior."

Says Newsome: "I welcomed the Supreme Court decision. I saw it as an opportunity for the first time in years to focus on removing the vestiges of segregation. For 10 years we've concentrated on bringing in white kids. There's been no Afrocentric-themed magnet school because it doesn't appeal to white folks."

The J.S. Chick Elementary School represents the kind of school Newsome thinks there should be more of. Chick, whose African-centered program was fashioned by its enterprising principal, Audrey Bullard, occupies a bleak, brown brick building in a rundown east-side neighborhood of Kansas City. Ninety-eight percent of Chick's 327 students are black. "With a Eurocentric curriculum, it appears one race is superior over the others," says Bullard. "The African-centered curriculum makes them feel, 'I'm a part of this. I'm not on the outside looking in.'" Something must be working: Chick's students outscore some of the magnet schools' pupils on standardized tests.

On a recent morning in Lola Franklin's third-grade class, the kids are wearing paper crowns signifying their status as African kings and queens, and they are standing one after another to shout out a dizzying variety of facts.

"Welcome to Guinea-Bissau! The official language is Portuguese."

"The main religion is Islam!"

"Sheep, cattle and goats are the principal animals!"

"Who can name an African-American comedian?" inquires Franklin.

"Eddie Murphy!" "Bill Cosby!"

"And some American comedians?"

"Whoopi Goldberg!"

"No, an American comedian," she corrects them.

"Roseanne!" a boy calls out.

"Good," says Franklin.

Clint Bolick, litigation director for the libertarian Institute for Justice in Washington, predicts court-ordered desegregation schemes will be gone in 10 to 15 years. Their fatal error was in making racial balance a goal, which eventually led to admissions preferences for whites, "turning Brown on its head,"

says Bolick. "What all this shows is that social engineering doesn't work."

But a great deal of social engineering went into creating school segregation in the first place, points out William Taylor, a Washington lawyer who has worked on civil rights cases for 40 years. Taylor laments what he sees as the courts' "peculiar notion that segregation is the natural condition and desegregation goes against the natural order of things. The court's own finding in Brown was that segregation had been imposed by law and practice for many years. Missouri is a good example. You have racially restrictive covenants, racially restrictive ordinances. The notion that somehow segregation came about all because of people's individual preferences is wrong."

Engineered or not, American society is facing "awesome demographic changes," says Harvard's Orfield. "In around 2050 there's going to be about half nonwhites in the total population, in 2020 about half nonwhites in the school population. We have to figure out how to run our institutions in that kind of a society. 'Separate but equal' is the most well-tried experiment in American history. It was policy for 60 years, and we have no evidence that it can work, given the distribution of power and resources in our society."

Four decades after his research helped decide the case that was supposed to change everything, perhaps Kenneth Clark still puts the issue most succinctly: "Talk about 'separate but equal,'" he says. "If they're going to be equal, why are they separate?"

Integration Busing: At a Crossroads
Success of Busing Is Tough to Measure

Omaha World Herald, July 14, 1996
Copyright 1996, Omaha World-Herald Company
By Stephen Buttry and Alva James-Johnson, World-Herald Staff Writers
Reprinted with permission

The yellow buses fan out across Omaha each school day, carrying their noisy, youthful loads along hundreds of routes through older urban neighborhoods and newer outlying subdivisions.

To some the buses are symbols of justice, of hard-won civil rights.

To others they are symbols of government meddling, of wasteful spending.

Both perspectives are raised in a debate over a school integration plan that, whatever its flaws, was one of the community's major civil rights developments.

The result of the debate could be an overhaul of busing as Omahans have come to know it in the 20 years since the parents of black students and the federal government filed a lawsuit that forced the Omaha School District to integrate.

Any change could have a significant impact on education, race relations and Omaha neighborhoods.

"It's a bigger issue than just desegregation and busing," said Connie Spellman, vice president of education for the Omaha Chamber of Commerce.

"The historical, moral, legal and ethical issues all have to be included in the discussion." It's hard to determine whether busing has improved the education of black children. On one hand, a greater share of Omaha's black high school graduates are attending college. On the other hand, black students' test scores still lag behind white students'. Neither fact can be linked definitively to busing or other aspects of the integration plan, which was ordered in 1975 by the 8th U.S. Circuit Court of Appeals.

Unquestionably, the Omaha School District has gone from one where most schools were almost exclusively black or white to one where sharply segregated schools are virtually a thing of the past.

However an initial goal of the integration plan - that no blacks attend mostly black schools - has never been met. And last year, for the first time since 1976, most black elementary pupils attended schools that were mostly black.

The shift occurred gradually after whites moved out of the district in droves, blacks moved northward and westward within the district and school leaders failed to adapt the integration plan to the changing demographics.

Defenders of busing almost universally concede that an update is in order. They say they have hesitated to tinker with bus routes for fear of triggering a controversy that would threaten the entire plan.

Fear has always played a role in the busing debate: from initial fears about violent anti-busing protests to continuing fears of parents for their children's safety and fear of what reviving the issue might do.

It could "polarize this city," said Chris Wiley, educational director of the Urban League.

But some blacks and whites say it's time for a change, either because busing has done its job or because it has failed. Like cities throughout the country - St. Louis, Denver, Minneapolis, to name just a few - Omaha is re-evaluating busing.

Parents "want and demand neighborhood schools," said Bill Meier, the school board's vice president.

Robert Bauldwin, president of Triple One Parents' Union, an advocacy group for black parents in north Omaha, said, "Integration has failed.

Our children are getting a worse education than they did in 1954," when the Supreme Court overturned the doctrine of "separate but equal" schools.

But proponents such as Lerlean Johnson, a mother of 14 who was among the black parents who sued to force integration in the 1970s, say an end to busing would fuel discrimination.

"Separate but equal. That's one of the biggest lies ever told," she said.

"If you quit busing, black folks ain't going to get no equal."

White Flight

The integration plan has three features: mandatory busing of some elementary and junior high students; voluntary busing to the high school that students choose; and magnet schools designed to draw students into the inner city.

Most students spend one to three elementary years being bused out of their neighborhoods. High school students face and exercise broad choices in the school they attend.

Don Benning, assistant district superintendent, said the program has provided "access and equity for all of our students," which in turn benefits the city.

"Because of the successful integration effort," he said, "this city is viewed as a viable place for business and for families to raise their children." But many families left the district.

White enrollment in the Omaha district began a sharp decline in 1971, the year the Supreme Court authorized federal courts to order busing and the school year before the Justice Department began investigating segregation in the Omaha School District.

White enrollment has dropped by nearly half in the last 25 years, after growing during the 1960s. Some of the decline was due to a national downturn in school-age population as baby boomers grew up, but Omaha's enrollment fell at more than twice the statewide rate. And the white population of Douglas and Sarpy Counties overall has continued to grow modestly.

It is a point of pride among some in Omaha to note how well integration was accepted, including that white flight was not as drastic as in some other cities that dealt with court-ordered busing. This is largely a function of demographics, said David Armor, a research professor at George Mason University.

With a 4-to-1 white-black ratio when the plan was drafted, most white students were bused only one of their elementary years, while blacks were bused three, Armor noted. That made busing more acceptable to whites in Omaha than in other cities with larger black populations.

"White flight is directly proportional to how many whites are reassigned and for how long," Armor said.

While white families did leave the Omaha district in large numbers, the neighboring Millard School District has tripled its enrollment the past 25 years. The biggest influx came in the first three years of Omaha busing.

"Millard is displaced Omaha," said Omaha School Board Member Kathleen McCallister.

Suburban schools remain nearly all white, except Bellevue, where most families from Offutt Air Force Base send their children. You can find more black students in any of 17 Omaha elementary schools than in all 29 Millard schools combined.

Academics

Omaha School District officials have not released school-by-school test scores broken down by race, which might permit a detailed study of whether student achievement has improved or suffered during busing.

Districtwide figures from the last three years show a gap of 29 percentile points or more at every grade level between standardized scores for whites and blacks. Earlier scores show blacks' performance generally improved from 1979 to 1984. Under a different test, little change was seen in the scores of black students between 1986 and 1991.

And the gap in the last three years was about as wide as it was in 1979.

For the elementary schools that are not involved in busing, sixth-grade test scores on average were six points lower than scores for the schools in the integration plan.

"If you look at the achievement levels of African-Americans in the Omaha public schools, it is pathetic," said A'Jamal-Rashad Byndon, a son of Mrs. Johnson who is sharply critical both of his children's education now and of the

schools he attended as a black child before integration.

Some experts credit the integration of U.S. schools in general with helping to narrow the black-white gap in scores on the National Assessment of Educational Progress. But results of that test, given periodically since 1969 to a sample of U.S. students, are not available for any individual school district.

Some say test scores are not as important a measure of achievement as the actual end result: Are more students going on to college and getting better jobs?

The results there are mixed. Of the blacks in the 1995 graduating class, 51 percent were in college the following November. That's well below the 65 percent level among whites but an increase from the rate of the 1970s and '80s.

School records don't break down graduation numbers by race before 1978.

From 1978, when most graduates were still products of mostly segregated schools, to 1990, the annual percentages of black graduates attending college the following year ranged from 31 percent to 44 percent.

Advocates of busing say the increase in college attendance is evidence of improved education. Armor contended, though, that affirmative action requirements for colleges have caused the increase.

Busing has not eliminated differences in the dropout rates for black and white students. While blacks were 29 percent of the district's total enrollment in the 1994-95 school year, they were 34 percent of dropouts and 23 percent of graduates.

Academic achievement, Superintendent Norbert Schuerman noted, was not addressed explicitly in the court order governing integration of the district. However, he quickly added that improving academics is a district goal independent of the integration plan.

Critics of Schuerman note that a major impetus for integration was the belief that black students were not getting as good an education as whites, because white schools got the best facilities, books, teachers and academic programs.

In fact, the 1954 Supreme Court decision that launched all school integration declared that separate schools were "inherently unequal." School Board President Karen Shepard, who is black, said her parents weren't able to get a high-quality education at segregated schools in the South. When they had children and lived in New York City, they wanted their children to get a good education by any means possible. Sometimes it meant moving to neighborhoods with good schools. Once, Mrs. Shepard said, it meant she had to take two buses to participate in a gifted program.

Mrs. Shepard said those experiences have shaped her feelings as she pushes to have the Omaha plan re-evaluated.

"If academic achievement is not the goal, it should at least be one of the goals," Mrs. Shepard said. "There should be something at the end of that bus ride that's going to increase the academic achievement for the students being bused." Ms. McCallister, who is white, said it would be "outrageously racist" to bus children if the goal wasn't to improve academic achievement.

She noted that in some instances busing diminishes services for black children. The federal Title I program for students who need extra reading help applies only to schools where the number of students eligible for subsidized lunches meets guidelines.

Some children from a low-income neighborhood get reading help through third grade, then are bused for the next three years to a middle-class neighborhood where the school doesn't qualify for the program.

Omaha school officials succeeded in getting exemptions from Congress to make the program apply to more pupils, but some still lose eligibility when they are bused, said Joe Gaughan, assistant superintendent for instruction and special education. The district tries to offset that loss by using reading teachers financed by local tax dollars.

Some support for integration stems from the community's emotional investment 20 years ago.

Busing led to violence in other cities such as Louisville and Boston, and Omaha community leaders worked to generate acceptance among those who did not support the plan.

"We were concerned deeply about community understanding and implementing the plan peacefully," said Schuerman, who led the task force that developed the integration plan.

Katherine Fletcher, a retired principal, remembers being transferred from Kellom Elementary School, a predominantly black school in north Omaha, to Laura Dodge, a predominantly white school out west, the year before busing began.

Mrs. Fletcher, who is black, said there was apprehension about the busing that was to begin the next year. She worked with the staff, parents, students and area clergy to prepare for integration.

Parents and community leaders worked together to provide blankets, food and snowmobiles for busing students who might have to stay overnight in a snowstorm.

"We tried to anticipate every problem," Mrs. Fletcher said. But making the transition wasn't always easy.

The PTA president at Laura Dodge led an anti-busing group, Mrs. Fletcher said. And the assistant principal received calls from angry parents who didn't want their children bused.

Schuerman said he heard a number of racist comments as he spoke to groups around the city and "tried very hard to professionally and objectively respond

with a high emphasis on being respectful of everyone's opinions and views." Busing started, on Sept. 7, 1976, without any disturbances.

"There were police all around," recalled Kathy Casey, a white third-grade teacher who transferred from Florence to Druid Hill when busing started.

"We had to make the students feel safe and secure. The fears were unfounded. It was nothing," Mrs. Casey said. "Nothing. It was just the smoothest transition I've ever been through. "It was a major accomplishment for Omaha," Mrs. Fletcher said.

"It was one of several things that said we no longer want to be a divisive community."

Racial Interaction

And that's what many defenders, and some critics, of busing say has been the biggest benefit of the district's integration plan.

"Integrating the schools definitely gives all children an opportunity to learn about and respect different cultures," said Joan Chapin, principal at Western Hills Elementary School.

"I hope they never change integration," said Jamie Nollette, who is white, was bused in 1978 as a second-grader and now teaches fourth grade at a magnet school. "I think it opened me up from my small neighborhood." As a student and a teacher, she saw students of different races from different neighborhoods playing and working together and learning about each other. "It only takes until about lunch time, when you have the first recess, till you make friends," Mrs. Nollette said.

Students and parents interviewed for this story said children do socialize during school with children of other races, but most of their friendships outside school tend to be with children in their home neighborhoods.

The fears of racial violence 20 years ago have waned, but parents still worry about bus safety and sending children to school in areas with high crime rates.

Carie O'Banion worried at first about her children's safety when they were to be bused from the Western Hills neighborhood to Kennedy Elementary School in north Omaha. "I wondered, were there drive-by shootings at the school?" she said. "Once I got down there I felt a lot better." At orientation, the principal addressed parents' concerns about security and told them, no, there hadn't been any shootings at the school.

Many parents complain about the bus ride, but Katie O'Banion, who was bused to Kennedy as a third-grader last year, loved it, her mother said.

"It was a social experience for her on the bus." Mrs. O'Banion feels the exposure to other cultures is an important part of her children's education. Whatever the faults of busing, she said, "I guess I see that it's worth it at this point both socially and academically."

IS AFFIRMATIVE ACTION A CRIME?

Sacramento Bee, April 18, 1996
Copyright 1996, McClatchy Newspapers, Inc.
Reprinted with permission

Like the proposed California Civil Rights Initiative, AB 2468, Assemblyman Bernie Richter's bill eliminating race and gender preferences in public contracting, employment and education, deals with some legitimate complaints. And like CCRI, it proposes to resolve them with a sledgehammer. Indeed, Richter's bill goes CCRI one better -- or worse -- by seeking to criminalize racial discrimination or favoritism on the part of university administrators and other public officials.

So what has been official public policy, honored and backed until recently even by people such as Gov. Pete Wilson, would, if passed, become a crime.

Affirmative action policies and practices, which are almost as diverse as the population of the state, badly need review. Some, such as admissions practices in certain University of California professional schools, have at times tilted blatantly toward reverse discrimination against whites and some Asians. Others reflect reasonable attempts by public agencies -- police departments in major cities, for example -- to get a work force more representative of, and therefore more effective in, their communities. In still others, outreach programs have been directed toward traditionally underrepresented groups in an effort to encourage them to continue their education and to raise their hopes and expectations.

Racial preference policies originated in the 1960s in legitimate attempts to redress the damaging legacy of 300 years of slavery and segregation. But some policies have since been extended to groups for which they were never intended. Others now have the effect of discriminating against groups -- such as Americans of Chinese and Japanese descent -- who were themselves victims of historic discrimination.

But the flaws of one set of practices do not justify an indictment of all, much less a sweeping legal prohibition -- complete with possible prison terms -- that has received no real study and been subject only to a narrow ideological debate. Even if this were not one of the most divisive issues in American society, this should not be a matter of all or nothing. It requires flexibility, case-by-case analysis and periodic review, not a flat yes-or-no response applying to all cases at all times. This bill should be rejected, but the issue needs attention.

LETTER TO THE EDITOR

The San Francisco Examiner, May 21, 1996
Copyright 1996 The Hearst Corporation
Reprinted with permission

Anti-affirmative action initiative would revive inequality

Thank you for Dan Freedman's excellent piece on the 100th anniversary of the Plessy vs. Ferguson Supreme Court decision that upheld racial segregation ("Separate and unequal," May 12). The Plessy case is a pertinent reminder that the path toward equality for African Americans has not been smooth and steady but rather marked by frequent set-backs.

In reaction to the progress made by blacks during the post-Civil War Reconstruction period, conservative whites lobbied hard enough against equality that even the Supreme Court, supposedly above partisan trends, was affected. Just as Plessy was a reaction to Reconstruction, today's anti - affirmative action movement is a reaction against the civil rights gains made during the last 30 years.

Conservatives in California claim that women, blacks and other minorities have an unfair advantage because of affirmative action, and they seek to turn the clock back to the pre-civil rights period. Their deceitfully named California Civil Rights Initiative (CCRI), which will eliminate affirmative action and permit discrimination if passed in November, is the Plessy vs. Ferguson of the late 20th century.

The Plessy decision created the "separate but equal" doctrine that placed blacks and whites in a hierarchical caste system until Brown vs. Board of Education forced the federal government to integrate in 1954. Like Plessy, CCRI will worsen the segregation that exists between whites and minorities in public contracting and government jobs, and it will eliminate the option of employers to rectify past patterns of discrimination through affirmative action.

CCRI is a threat not just to minorities and women but to all who abhor racial and gender inequality.

Frederick E. Jordan
California Business Council for Equal Opportunity
San Francisco

California Suit Targets Minority Tutoring

Copyright 1995 United Press International
BC Cycle, March 17, 1995
By Dion Nissenbaum, UPI Statehouse Reporter
Reprinted with permission

A conservative legal group filed suit Thursday over two community college programs destined to aid minorities that it contends exclude white students. The Pacific Legal Foundation filed the lawsuit in Sacramento Superior Court on behalf of a white student who said she was denied a place in a college English course because of her race. Attorney Robert Corry accused the state's community college system of practicing reverse discrimination by offering special courses to minority students. "This is a prime example of racial segregation," Corry said. The suit was filed on behalf of Janice Camarena, 25, a student at San Bernardino Community College. Camarena said she and another white student were asked to leave an English course last year after being told the class was open only to blacks. "I couldn't believe at first what she was saying," Camarena said of the request. "Nobody has the right to tell me or anybody else that we do not belong together because of the color of our skin." David Mertes, chancellor of the community college system, called the incident totally "inappropriate" and said steps were being taken to make sure students have equal access to all courses. "Frankly, what occurred with the class should not have happened and it won't happen again," Mertes said. After investigating the incident, Camarena discovered that the college offered two specialized mentor programs to black and Hispanic students. Both the Bridge Program, designed for black students, and the Puente Project, geared towards Hispanic students, provide special counseling and help participants with their academic and career goals. By denying white students access to the programs, the suit contends community colleges have established a segregated and unconstitutional educational system. The suit, which does not seek monetary damages, asks that the programs be open to all. Mertes said all students are allowed to take part in any of the programs and defended the system's use of specially designed courses. Along with programs geared for under-represented minorities, Mertes said community colleges offer specific support for veterans, dyslexic students, and others. "The idea that we will have specialized support programs and classes is something that I will staunchly defend," Mertes said. In San Bernardino, Mertes said the woman should have been allowed to stay in the course, but told the class was geared towards black students. More than 1.4 million students attend classes at the state's 106 community colleges.

Community Colleges Alter Programs
Minority Efforts Can't Seem to Exclude Anyone, Settlement Says

The San Francisco Chronicle, July 13, 1996
Copyright 1996 The Chronicle Publishing Co.
By Pamela Burdman
Reprinted with permission

California community colleges are re-packaging programs designed to help minority students succeed, under a legal settlement that requires the schools to let the public know that such courses are open to all students -- regardless of race.

The agreement, struck with the state's 106-district community college board, means that new promotional materials will have to be printed for a host of programs around the state.

At San Francisco City College, for example, administrators will have to rename the school's African American Achievement Program and redesign the Math Bridge program, currently targeting black students, and the Puente Project, intended to increase the number of Latino students who enroll in four-year colleges.

"That's a significant departure," said Chancellor Del Anderson. "Up to now, we could say a program was designed for African American students, but you couldn't deny a person from another group entry into the class. Now we probably can't even say that."

The change also raises questions about the fate of similar programs at the University of California and California State University. The University of California has already begun to eliminate racial preferences in admissions, contracting, and hiring, but administrators and the board remain divided over whether race can play a role in outreach programs for disadvantaged students.

The question may become moot if voters approve a ballot measure to end public affirmative action this fall. But last week's community college settlement is a clear indication that recent court decisions restricting racial preferences in other states are already reverberating in California.

Last month, the Supreme Court refused to review a lower court's opinion in a Texas case that the pursuit of diversity does not justify racial preferences. The court's action influenced the community college network to settle with Janice Camarena Ingraham, a white student who said she was kicked out of an English class at San Bernardino Community College because she is not black, said Thomas Nussbaum, acting chancellor for the network of community colleges.

"There's a strong trend in the courts," he said. "To have an offering on the basis of race only, by the time it got to the U.S. Supreme Court, would be problematic."

Under the settlement, the community colleges may not require students to identify their race or ethnicity unless it is required by law. Nor can the outreach programs pair students with mentors or counselors based on race or ethnicity.

The agreement affects enrollment only; it does not bar the colleges from offering ethnic studies courses that focus on a particular culture.

Robert J. Corry of the Pacific Legal Foundation, the lawyer who represented Ingraham, said he is pleased that the community colleges will be retooling their outreach programs. "It certainly signals the trend toward treating students based on what's inside as opposed to the color of their skin," he said.

But he noted that the University of California, also a defendant in the case, has refused to settle. In addition to the program for black students that denied her enrollment, Ingraham is challenging the Puente Project, a program coordinated by the UC president's office that serves Latino students at some 30 junior colleges around the state.UC lawyers say they are seeking to have the case dismissed, because Ingraham's complaint involved the community colleges, not UC.

Anderson of CCSF said the college will look for ways to continue helping minority students without violating the settlement.

"I don't know if we'll get the same results," she said, noting that many instructors who teach in outreach programs claim that students demonstrate greater improvement when they are grouped with others of their race.

MENTORING PROJECT FOR LATINOS THREATENED

EDUCATION: IF THE LEGISLATURE PASSES AN ASSEMBLY PROPOSAL, IT COULD MEAN THE LOSS OF THE PUENTE PROGRAM AT OXNARD COLLEGE

Los Angeles Times, June 11, 1996
Copyright 1996 Times Mirror Company
By Gali Kronenberg, Times Staff Writer

Before he met his mentor, Oscar Alvarado had never sat down and talked to a Latino business owner. As a freshman at Oxnard College, Alvarado was paired with Javier Castro, an Oxnard businessman and college graduate.

"I thought that to be successful in business you had to be selfish and cold," said Alvarado, the first in his family to graduate from high school. "But Javier does care and does help the Latino community. Now I feel like I can do the same."

The question now is whether the Puente Project, which provides mentors, writing classes and career counseling to community college students like Alvarado, will survive the legislative conference committee's current review of the 1996-97 state education budget.

Whatever decision is made in Sacramento between now and Saturday, when the Legislature is supposed to submit its budget to the governor, may have a dramatic effect on programs serving minority community college students in Ventura County.

Most committee members are expected to support an Assembly proposal to eliminate state-funded academic programs that aid students of a particular race or ethnic group.

"I believe in equal rights, not special rights," said state Sen. Cathie Wright (R-Simi Valley), a conference committee member who supports the proposal. "Since I support everyone's rights, I certainly don't want anyone singled out for a favor just because they can't make it on their own."

Three other members of the six-member committee, including Sen. Quentin L. Kopp (I-San Francisco), also are expected to recommend the proposal's adoption.

A yes vote by the Legislature could end state funding for Puente, and, depending on how the budget language is interpreted--conceivably bar ethnic student clubs from meeting at Oxnard, Moorpark and Ventura colleges.

Pete Tafoya, chairman of the Ventura County Community College District, said that eliminating funds for the Puente Project, which helps Latino students gain the academic skills to transfer to four-year colleges, is shortsighted.

"What do you accomplish by cutting funding for an inexpensive program with a high success rate?" Tafoya asked. "I think politicians like Mr. Richter are using color to racially polarize people." Assemblyman Bernie Richter (R-Chico) is the author of the proposal.

At Oxnard College, the only community college in the county that has the Puente program, about 30 Latino students are participating in it. Each is assigned a Latino professional as a mentor, along with a guidance counselor who provides academic and career advice. They are also required to enroll in two courses geared toward instilling the writing skills needed to succeed at a four-year college.

Oxnard College contributes to the program by allowing one English teacher and one guidance counselor to dedicate one-third of their time to the Puente students.

Of the 6,000 students who have completed the program at 32 California community colleges since 1981, 56% transferred to four-year colleges.

Wright said such programs give certain students an unfair taxpayer-financed advantage when applying to college.

"If youngsters are given an equal opportunity in K-12, they should be given an equal opportunity to compete for college and not be given a special advantage," Wright said.

Sen. Richter's chief of staff, David Reade, said the proposal's intended purpose is to serve "all the citizens of the state of California and not just a particular race or ethnic group."

Reade said the Puente program's $944,000 annual budget should be spent on programs that benefit all community college students, rather than one particular group.

But Ruth Hemming, interim president of Oxnard College, said schools routinely create programs to address the special needs of students. The issue, she said, isn't whether a school should offer remedial math, bilingual education classes or advanced courses for gifted students, but whether they are effective.

"Puente is considered a very effective program at Oxnard College," Hemming said.

The project also has widespread community support, Hemming said.

The Oxnard program's co-director, Margarita Corral, says removing Puente's funds will make it that much harder for students like Alvarado to attend better schools and realize their full potential.

After meeting their mentors, Corral said, "The thing our students tell us most often is 'I never knew that there were so many Latino professionals and I never thought that someone so successful would care about someone like me.'"

BILL NUMBER: AB 3488

BILL TEXT

CHAPTER 204
PASSED THE SENATE JULY 8, 1996
PASSED THE ASSEMBLY JULY 8, 1996
AMENDED IN SENATE JULY 8, 1996
AMENDED IN ASSEMBLY MAY 23, 1996

INTRODUCED BY Assembly Member Ducheny, Senator Petris, and Assembly Member Cunneen

APRIL 10, 1996

An act to amend Sections 2558.45, 8208, 8265, 8450, 35160.5, 41203.1, 42238.145, 42243.7, 42301, 42258.9, and 56728.8 of, to add Sections 8237 and 8451 to, to add Article 5 (commencing with Section 51450) to Chapter 3 of Part 28 of, and to add Chapter 3.1 (commencing with Section 58520) to Part 31 of, the Education Code, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately. (Approved by Governor July 20, 1996. Filed with Secretary of State July 22, 1996.)

LEGISLATIVE COUNSEL'S DIGEST

AB 3488, Ducheny. Education Trailer Bill to Budget Act of 1996.

(1) Under existing law, a deficit factor of 12.59% is applied to reduce the revenue limits for each county superintendent of schools for the 1994-95, 1995-96, and 1996-97 fiscal years. Existing law provides that with respect to the 1995-96 and 1996-97 fiscal years, if a settlement agreement in California Teachers Association v. Gould is effective, the revenue limit for each county superintendent of schools shall be reduced instead by an 11.70% deficit factor.

[----------]

(15) Existing law authorizes the governing board of a school district to establish and maintain one or more alternative schools within the district and defines an alternative school as one that is operated in a manner designed,

BEST COPY AVAILABLE

among other things, to maximize the opportunity for pupils to develop specified positive values and for teachers, parents, and pupils to develop the learning process and its subject manner and to continuously react to the changing world. Existing law authorizes the establishment of charter schools that operate independently from the existing school district structure as a method to accomplish, among other things, the encouragement of different and innovative teaching methods and the creation of new professional opportunities for teachers.

This bill would authorize a school district to apply for funds to establish a single gender academy as a magnet school or as an alternative education magnet school. The Superintendent of Public Instruction would award grants on a competitive basis and would consider whether the proposed academy meets specified requirements. The bill would appropriate $5,000,000 from the General Fund to the State Department of Education without regard to fiscal year for the establishment and implementation of single gender academies. The bill would require that appropriation to be included in the amounts appropriated by the state for the 1995-96 fiscal year for the purpose of meeting the state's minimum funding obligation under Section 8 for that fiscal year.

[----------]

CHAPTER 3.1. SINGLE GENDER ACADEMIES PILOT PROGRAM

58520. (a) This chapter shall be known and may be cited as the Single Gender Academies Pilot Program Act of 1996.

58521. (a) The Legislature hereby finds and declares that a primary goal of the Single Gender Academies Pilot Program is to increase the diversity of California's public educational offering by making single gender academies available to those pupils of each gender who because of their unique educational needs will benefit from single gender education.

(b) It is the intent of the Legislature that single gender academies operated pursuant to this chapter shall be tailored to the differing needs and learning styles of boys as a group and girls as a group. It is further the intent of the Legislature that if a particular program or curriculum is available to one gender, it shall also be available to those pupils in the other gender who would benefit from the particular program or curriculum.

(c) It is further the intent of the Legislature that single gender academies operated pursuant to this chapter offer the following:

(1) Diversity in educational opportunity.

(2) Equal opportunities at both boys' and girls' academies.

(3) Equal funding and facilities at both boys' and girls' academies.

58522. (a) The Superintendent of Public Instruction shall administer this chapter.

(b) A school district may submit an application to the Superintendent of Public Instruction to receive a grant for the establishment and operation of a single gender academy pursuant to this chapter. To be eligible to receive a grant pursuant to this chapter, the single gender academy for which the school district has applied for a grant shall meet the following requirements:

(1) Enrollment in the single gender academy must be on a voluntary basis.

(2) Boys and girls enrolled in similar schools must have equal access to the schools.

(3) In all aspects of the curricula, the educational opportunity must be equal for boys and girls.

(4) A plan for conducting an evaluation of the results of the single gender academies.

(c) The Superintendent of Public Instruction shall award grants to 10 applicant school districts for the establishment of one single gender academy for girls and one single gender academy for boys in each of those selected school districts. Grant recipients shall be selected on a competitive basis. In selecting grant recipients, the superintendent shall consider whether the proposed single gender academy meets the requirements set forth in subdivision (b). The superintendent shall select grant recipients that have clearly demonstrated the expected benefits of single gender education at the proposed academy and how a single gender academy will meet the unique educational needs of the pupils and communities they serve. When choosing between grant applicants that have similar qualifications, the superintendent shall give preference to applicant school districts seeking to establish single gender academies for both boys and girls that will be in close geographical proximity to ensure equal access to single gender academies for both genders in the school districts.

58523. (a) The governing board of a school district receiving a grant pursuant to this chapter shall establish a single gender academy as a magnet school pursuant to its general power established under Section 35160 or an an alternative education magnet school pursuant to Chapter 3 (commencing with Section 58500).

(b) The governing board of a school district receiving a grant pursuant to this chapter shall provide a detailed report of the relative success of the single gender academy to the Superintendent of Public Instruction, Department of Finance, office of the Legislative Analyst, Joint Legislative Budget Committee, Senate Committee on Education, and to the Assembly Committee on Education on or before January 1, 2000.

58524. The Superintendent of Public Instruction shall allocate two hundred fifty thousand dollars ($250,000) for each single gender academy established pursuant to this chapter to the school district establishing the academy.

Algebra minus boys equals better grades for girls

By Mark Price
Knight-Ridder Newspapers

CHARLOTTE, N.C. – Thanks to a lot of heavy division, something doesn't add up in Dianne Lawing's algebra class.

The boys are missing.

They have been since Charlotte Country Day School adopted a controversial approach to algebra that promises better grades when adolescent boys and girls are taught in separate rooms.

Critics have labeled the idea everything from sexist to illegal, but that isn't stopping a dozen states – and countless private schools such as Charlotte Country Day – from giving it a shot.

Among other things, the classes have the ability to make girls more assertive and boys more thoughtful – a minor miracle given the hormonal changes in progress.

"The first month I was dying, because the girls wouldn't talk to me," says Lawing, who teaches seventh- and eighth-grade algebra at Charlotte Country Day School.

"I'd ask a question and it would be dead silence. They had been used to the boys always volunteering, so they had learned to sit back and listen. I had to out-wait them. I'd say: I'm not saying another word until somebody gives me an answer.'"

Meanwhile, Carol Adler was down the hall, pulling out her hair. She had the boys.

"I had no silence at all," she says. "The boys all wanted to talk at the same time, all drawing conclusions and it didn't matter if any made sense."

It was perhaps the only time teachers at Charlotte Country Day questioned the wisdom of single-gender algebra.

In 1991, it was a one-class, eighth-grade-only experiment concocted by Lawing and Adler, who were convinced that even they were guilty of paying less attention to girls than boys.

Today, single-gender algebra is part of Country Day's seventh- and eighth-grade curriculums, and many involved seem convinced it works.

Students see their grades go up, which is typical of schools testing the concept. Among the most startling examples was a public school program in Maine, where girls' math scores jumped by 56 points on the 1991 annual assessment exam.

But more important, say teachers, is how the classes affect the vastly different approaches girls and boys have to problem-solving, especially in mathematics.

Traditionally, boys tend to answer immediately, while girls reflect. Boys talk, girls listen; boys compete, girls cooperate.

That's pretty much the way it was in Charlotte Country Day algebra classes – until they divided the boys and the girls.

Now, the boys are becoming thoughtful, less aggressive and are even helping each other, while the girls are easing up on the heavy thought and taking more risks, says Adler.

"These are the years when the male animal tries to impress the female and vice versa," says Adler, who has been teaching for 22 years.

"They'll tell you that it's easier to focus on academics when they aren't being distracted by what Susan is thinking; or whether Tommy thinks this is a good question."

The kids won't deny that, either.

Math class is apparently like a big dance for seventh- and eighth-graders, and saying something stupid is similar to knocking over a punch bowl.

"I don't feel real comfortable around boys," says eighth-grader Laura Kendall, 14, whose grades have gone from B's to A's. "They always try to show you how to do something and you can't figure it out for yourself. Girls tend to give you more of a chance to find the answer."

Adds 14-year-old Anna Burkhead: "Most girls are afraid to speak out in a coed class. They're afraid they'll sound stupid in front of guys."

What's ironic is the guys say the same thing, but claim they can't stop themselves from showing off.

It's like a gambling addiction, and each blurted-out answer is a little bet promising 50-50 odds.

"Boys are first with the hands up to try and impress the girls," says 14-year-old Guy Allsup. "And when you make a mistake, it's a lot bigger deal in a coed class. If you make a mistake in front of a girl you like, it's like: 'Oh, I've really blown it.'"

Such drama and intrigue are lost on critics of single-gender classes, including the American Civil Liberties Union.

Lawsuits have resulted against some public schools trying the classes, with opponents claiming they violate a '70s law banning sex discrimination in publicly funded schools.

That's the primary reason North Carolina public schools, including Charlotte-Mecklenburg, haven't tried it, say state officials.

More than a dozen other states are testing the concept, but with sly variations that include setting up female classes that permit boys who demand to enroll.

That still doesn't solve what many critics see as the overriding problem: an appearance that boys are better, or that girls need special nurturing to excel.

"If you separate all the classes, you are drawing a line and it's splitting up the school," says 14-year-old Guy. "Having women in there makes it more interesting."

Obviously, some things are worth looking stupid for.

February 22, 1996 NEWS

Single-sex classes are going public

By Deb Riechmann / Associated Press (Reprinted with permission)
WASHINGTON – As a seventh-grader, Mike Walters was more interested in girls than his studies. Now, he's getting an A-minus in environmental science.

The difference, his teacher says: Walters is now in boys-only classes at J. Hayden Johnson Junior High School, a public school in one of Washington's poorest neighborhoods. The girls study in separate classes down the hall.

"The good thing about it is that you can have a conversation about anything – it's all boys," said Walters, a ninth-grader. "School's out at 3 p.m. You can see the girls then."

Although single-sex schools have always existed, teaching boys math, science and English separately from girls is new in public schools. More than a dozen states are testing the concept, although none in Michigan.

"It's like a secret, underground educational development that people are afraid to talk about because of the legal repercussions," said David Sadker, education professor at American University.

Indeed, critics say single-sex classes violate Title IX, a 1970s law that bans sex discrimination in publicly funded schools. Opponents say such classes insinuate that boys are better or that girls need a special environment to excel.

The Education Department does not want to stifle innovative ideas, so it is keeping an open mind, said Norma Cantu, assistant secretary for civil rights. "Our bottom line is whether they're providing equal educational opportunities without discrimination," she said.

Gwen Paramore, Johnson's principal, looked at single-sex classes as a way to remove distractions caused by raging teen-age hormones. She offers improved test scores as a sign of success.

In 1995, after two years in single-sex classes, Johnson ninth-graders scored at the 21st percentile rank in reading – up from 19th the year before. Improvements also were seen in math and science, but not language.

"In five years, we'll be able to really tell how it's going," Paramore said.

Crime, drugs and family problems abound in the neighborhood around Johnson. Of 41 ninth-grade boys, three have fathers living at home, school coach John Garner said. Nearly all the students are eligible for free lunches.

Not all students like the idea.

"It's just not natural," said Mayonica Capies, a 15-year-old ninth-grader.

Erica Renee Dunmore, 12, didn't support the idea initially, but now likes picking out school clothes without having to worry what the boys will think.

"I don't think the boys like it," she said, sitting in a computer class learning how to write a business letter. "They can't talk to the girls like they want to. The girls definitely like it more."

Science teacher Mary Walton had doubts, but now boasts about her ninth-grade boys. She says they feel comfortable in class and can express themselves without fear of being taunted by girls.

Girls react the same way, says Sadker, who has researched gender bias in American classrooms for 25 years. In coed classes, noisy boys get teachers' attention while quieter girls get ignored, he said.

For girls in the new classes, "it's like the muzzle is taken off," Sadker said.

One of the first places to experiment with single-sex classes in a coed public school was Anacapa Middle School in Ventura, Calif. Teacher Pam Belitski started a math class for seventh-grade girls in 1993. The school now has four such classes, but to avert legal issues, they are called "Math Plus" classes. Boys can enroll – but none have.

Principal Anthony Pilone started single-sex classes in 1994 at Myrtle Middle School in Irvington, N.J. He said distractions subsided and test scores rose, but the experiment was ended last November by local and state education officials, who said the classes violated state and federal laws, including Title IX.

Copyright 1996, The Detroit News

Comments? Criticism? Story ideas? Talk to us.

A Room of Their Own
Public Schools Try Single-Sex Classes

Newsweek, June 24, 1996
Copyright 1996 Newsweek
By Lynnell Hancock and Claudia Kalb
Reprinted with permission

WHO CAN FORGET THE PUBESCENT pain of junior high? Boys sprout pimples, girls sprout attitude and both genders goad each other into a state of sexual confusion. Teachers in Manassas, Va., figured that all these colliding hormones were distracting students from their academic tasks. So officials at Marsteller Middle School decided to try something old: dividing girls and boys into separate academic classes. Eighth-grade girls say they prefer doing physics experiments without boys around to hog the equipment. Boys say they'd rather recite Shakespeare without girls around to make them feel "like geeks." An eerie return to the turn of the century, when boys and girls marched into public schools through separate doors? Yes, say education researchers. But will it work -- and is it legal?

In districts across the country, public schools are experimenting with sexual segregation, in the name of school reform. There is no precise tally, in part because schools are wary of drawing attention to classes that may violate gender-bias laws. But, researchers say, in more than a dozen states -- including Texas, Colorado, Michigan and Georgia -- coed schools are creating single-sex classes. Some, like Marsteller, believe that separating the sexes eliminate distractions. Others, like Robert Coleman Elementary in Baltimore, made the move primarily to get boys to work harder and tighten up discipline.

The great majority of the experiments are designed to boost girls' math and science scores. The stimulus for these efforts was a report four years ago from the American Association of University Women, which argued that girls were being shortchanged in public-school classrooms -- particularly in math and science. The single-sex classroom, however, is not what the gender-equity researchers involved with AAUW had in mind as a remedy. Their report was meant to help improve coeducation, not dismantle it. Research shows single-sex schools tend to produce girls with more confidence and higher grades. But single-sex classrooms within coed schools? There are no long-term studies of that approach, only a smattering of skeptics and true believers. "It's a plan that misses two boats," charges David Sadker, coauthor of "Failing at Fairness" -- the education of boys, and the reality that children need to learn how to cope in a coed world. In short, says University of Michigan researcher Valerie Lee, "these classes are a bogus answer to a complex problem."

Critics worry that segregated classes will set back the cause of gender equity just when girls are finally being integrated

into all-male academies. Half a century ago, boys in advanced science classes learned, for example, that mold is used for penicillin while girls in home economics learned that mold is the gunk on the shower curtain. "It's not an era we're eager to return to," says Norma Cantu of the U.S. Office of Civil Rights.

Miracles happen: As a general principle, federal law doesn't permit segregation by sex in the public schools. (Exceptions can be made for singing groups, contact sports and human-sexuality and remedial classes.) Some schools have survived legal challenges by claiming that their all-girl classes fill remedial needs. A middle school in Ventura, Calif., faced down a challenge by changing the name of its all-girl math class to Math PLUS (Power Learning for Underrepresented Students). Enrollment is open to boys, though none has registered yet.

Despite the skeptics, single-sex experiments continue to spread. Teachers and students believe they work. At the high school in Presque Isle, Maine, members of the popular all-girl algebra class go on to tackle the sciences. University of Maine professor Bonnie Wood found that girls who take the algebra course are twice as likely to enroll in advanced chemistry and college physics than their coed counterparts. Michigan's Rochester High School turns away 70 students every year from its girls-only science and engineering class.

Marsteller boys raised their collective average in language arts by one grade after a single term. Girls boosted their science average by .4 of a point.

For the teachers involved, the progress is no mystery. Sheryl Quinlan, who teaches science at Marsteller, knows single-sex classes let her kids think with something besides their hormones. Impressing the opposite sex is a 14-year-old's reason for being. Take away that pressure, and miracles happen. Quinlan recalls the girl who took a "zero" on her oral report rather than deliver it in front of her boyfriend. Those days are over. Now, says Amanda Drobney, 14, "you can mess up in front of girls, and it's OK." We've come a long way, babies -- or have we?

No Boys Allowed?

Letters to the Editor
Newsweek, July 15, 1996
Copyright 1996 Newsweek
By Eileen Choi, Maineville, Ohio

THERE IS SPECULATION THAT SINGLE-SEX education doesn't prepare children for a coed environment ("A Room of Their Own," SOCIETY, June 24). As a recent graduate of an all-girls high school, I find this notion to be preposterous and absurd. There is plenty of interaction with members of the opposite sex beyond the realms of school: part-time jobs, parties and other events. The only experience I missed out on during these past four years was being treated like a second-class citizen in the classroom. The confidence, focus and strength I gained from single-sex education is what I need to "cope in a coed world," which in reality is a male-dominated world, where I must shout to be heard.

No Boys Allowed?

Letters to the Editor
Newsweek, July 15, 1996
Copyright 1996 Newsweek
By Sarah Roth, Bellevue, Neb.

MANY YOUNG GIRLS IN ELEMENTARY AND middle school may feel inadequate or intimidated by the more boisterous boys in their math and science classes, but what points are the schools getting across by separating the students? Are they saying it's OK to give in and admit that you need special treatment? That's unacceptable. My senior-year calculus class consisted of myself, 15 boys, one other female student and a male teacher. There were at least 120 females in my senior class, and they should have been encouraged to pursue higher math. I graduated from high school this year as a covaledictorian, taking every advanced math and science course my school offered. The emphasis should not be on teaching females in a single-sex environment but on boosting the self-esteem of girls so that they can exist in a coed environment without insecurities or fears.

51 BEST COPY AVAILABLE

Boys on the Side

U.S. News & World Report, August 5, 1996
Copyright 1996 U.S. News & World Report
by John Leo
Reprinted with permission

Now that the Supreme Court is finished with the Virginia Military Institute, the next national uproar over single-sex education will focus on the Young Women's Leadership School in New York City.

It's a girls-only public school, opening in September and serving mostly Hispanic and black girls in School District 4 in East Harlem. It is rooted in the repeated research finding that many girls, particularly disadvantaged girls, do better in single-sex classes than in classes with boys. Its backers feel sure it will survive any legal challenge depicting it as anti-male discrimination.

This will be the first single-sex public school in the city in a decade, or since the civil rights movement virtually eliminated such schools across the country. The word "leadership" in the school's title is a rather obvious sign that the idea is to concentrate on turning out successful, upwardly mobile women.

Some prominent people are greatly upset over the plan, largely because they fear a legal precedent for whites-only, blacks-only or boys -only public schools. So far, there has been a lot of scrambling to determine which side is more politically correct, and there has been a lot of left-right crossover.

Derrick Bell, the radical black law professor, is in favor of the school. So are many feminists, such as USA Today columnist Susan Estrich, and the conservative think tank, the Manhattan Institute. The institute's Center for Educational Innovation has been working with District 4 officials on the plan. Among those opposed: the New York Civil Liberties Union, the New York City chapter of the National Organization for Women and the generally conservative Michael Meyers, head of the New York Civil Rights Coalition.

Let it stand on the merits. It's too bad that this school is entangled in race and gender politics, because it deserves a chance to stand on its own merits. Putting aside ideology and strategic considerations, it comes down to this: Why can't we extend to minority and poor youngsters the same option for single-sex education that well-off parents exercise when they send their daughters to the fancy, private girls' schools found all over Manhattan?

The new school should be justified as a reasonable option offered to a constituency that has all too few. As it happens, District 4 is known for its willingness to experiment. It has set up 23 different schools (some of them actually programs within schools), including three concentrating on math and science, two on the performing arts, a writing school, a prep school and a maritime school. Why not a girls' school, or a boys' school, as well? A decade ago, the Harvey Milk School, now private, was established as a publicly funded city high school for homosexual students, with hardly a ripple of protest.

Some observers, trying to connect the dots between their opposition to all-male VMI and support for the all-female Young

Women's Leadership School, have fallen back on victim theory: Single-sex schools are OK for girls (victims), but not boys (victimizers). The new girls' public school "is a compensatory effort," wrote one New York columnist, arguably "a remedial effort, a limited and carefully tailored way to correct past discrimination against girls."

No, no, no. Victim theory requires constant reminders of oppression, deprivation and second-class status to justify girls-only schools. In effect, it means that if the school is to become permanent, it logically depends on finding more and more patriarchal oppression to justify it. This is not the way to go.

Gender politics in our schools are still suffering from the famous and bogus 1992 report by the American Association of University Women, "How Schools Shortchange Girls." A politicized rewrite of studies in the field, the AAUW report drew big headlines by alleging vast gender bias in the schools. It exaggerated, cut corners, misconstrued material and omitted findings that failed to fit the bias theory. It was "advocacy research" (i.e. propaganda) fed to credulous reporters who didn't bother to read it carefully. Even its most famous statistic, that boys in middle school call out answers eight times as often as girls, was a mistake.

Among the scholars distancing themselves from the findings of this report is one hired by the AAUW itself for a follow-up study, Valerie Lee of the University of Michigan. Lee and her team found a much murkier and more balanced picture than the AAUW. In January they concluded (amid zero press coverage) that "not all academic outcomes favor boys, nor are they as large as some recent public discussions would imply. We would like to see the study of gender equity moved away from the political arena." Amen.

Victim theory seems to have little to do with the rise of the Young Women's Leadership School. Some accusations of bias toward boys have been heard, but most conversation seems to focus on distractions of the mating dance at the average school, the obstreperous nature of males and how much freer girls are to concentrate on schoolwork when boys aren't around. This is hardly true everywhere, but if it's so in District 4, why not see what happens in an all-girls setting? New York City has 1,069 schools integrated by gender. Surely it can afford to set one aside for girls to see if it works.

Copyright 1996 by Richard Rothstein. **Readers may redistribute this article to other individuals for noncommercial use, provided that the text, all html codes, and this notice remain intact and unaltered in any way. This article may not be resold, reprinted, or redistributed for compensation of any kind without prior written permission from the author. Permission to photocopy and distribute this article in unbound form for classroom use is hereby granted. If you have any questions about permissions, please contact Richard Rothstein by e-mail at [rothstei@oxy.edu]. *Preferred Citation:* Richard Rothstein, "Single Sex School Experimentation,"(January 17, 1996 [http://epn.org/rothstei/ro960117.html]).**

SINGLE SEX SCHOOL EXPERIMENTATION

by Richard Rothstein

Governor Pete Wilson proposes to permit 10 California school districts to establish all-male and all-female magnet "academies." This is a modest and reasonable experiment, but too often we expect educators to solve social problems beyond schools' reach. Single-sex academies will be a dangerous idea only if hyped as a panacea for crises whose roots go deeper than school organization.

In his State of the State address, Wilson claimed that some cities "have found success with all-male classrooms for at-risk boys [because] strong male teachers serve as an alternative to gang leaders." This is not strictly true. Several trials proceed satisfactorily, but it's too early and they are too few to judge them successful, much less solutions to urban violence. Most experiments are more modest than Wilson's: Baltimore and the impoverished New Jersey communities of Camden and Irvington (adjoining Newark) have separate boy and girl elementary and middle school classrooms within mixed buildings, not single-gender schools. Detroit has all-male schools pursuing "African- centric" curricula, interesting experiments of a different kind, not directly relevant to Wilson's proposal. In Ventura County and districts in New Hampshire and Maine, separate high school math and science classes are offered to girls, with genders mixed for other subjects. This more focused arrangement is less radical than segregating entire schools.

Wilson's idea merges three unrelated pedagogical hypotheses. One is that elementary school boys from low-income single parent homes in African-American communities with few successful male role models require tough male authority figures as teachers. These boys need, it's claimed, opportunity to cooperate without showing off to girls, and to learn peer mediation strategies to prevent them, as adolescents, from having no techniques save gunfights for resolving disputes.

The second notion is that middle school (and increasingly, younger) boys and girls of all social classes are today so inundated by sexual imagery in media that they attend school not only unprepared to study but incapable of age-appropriate heterosexual behavior -- sexually provocative costuming and aggression of 11 year-olds impede learning. Dress codes are one solution, single sex classrooms another.

A third notion is that teenage girls resist competition with boys in math and science, and develop intellectual self-confidence more easily if separated. While still controversial, there is more research behind this proposition than the first two. It was widely publicized, for example, when Oakland's women-only Mills College reversed its decision to go co-ed several years ago.

Pressures for single-gender education, therefore, come from black advocates seeking boys- only elementary classes, feminists (mostly white) seeking girls-only secondary science and math instruction, or teachers and principals demanding salvation from raging middle school hormones. This mix of motives makes modest experimentation attractive. It also means that inevitable legal challenges (alleging discrimination against the excluded sex) find it more difficult to mobilize coalitions to support lawsuits.

Beware, however, of exaggerated claims for experiments: it's reasonable, for example, to ask that gender-segregated elementary classrooms in inner-city communities not harm girls, but we should mistrust assertions that such classrooms do wonders for them -- that's not their purpose. Similarly, we should insist that separate math and science classes not harm boys, but be skeptical of arguments that boys do better in such settings. These pedagogies entail choices to elevate some interests, previously ignored, over others. We can't avoid choices by pretending they're not being made.

Proponents of these experiments are enthusiastic about progress; this should inspire further experimentation, not crusades. At Baltimore's Coleman Elementary School, test scores jumped when genders were first separated, but then scores fell. Undaunted, the principal attributes reversals to many untrained teachers who joined Coleman's faculty that year. She may be correct, but that's why researchers need evidence from elsewhere, to sift extraneous factors before forming conclusions about gender segregation alone. Detroit's Malcolm X Academy for boys also claims success; but the academy also got funds for smaller classes, leaving open the possibility that male environment alone was not responsible for improvements.

Assessing results of educational experiments is always tricky. If Wilson's single-sex magnets are established, enrollees will undoubtedly perform better than others from comparable backgrounds. That's because even if families are equal in other respects, those applying to magnets are likely more involved in children's education (and more likely to provide intangible support) than families whose children attend "default" neighborhood schools. The only way to show single sex magnets producing better outcomes is to insure that seats are limited, and then compare, over several years, achievement of enrolled students to that of demographically similar students who applied, but were not accepted because of space limitations.

Also confounding conclusions about reform is the impact of experimentation itself. When students and their parents know they're unique, they may perform differently from those who, otherwise identical, think of themselves as conventional. One group of researchers found students in single-sex schools in Belgium, where 68 percent of all students attend single-sex schools, performing no better than students in mixed-sex schools. But in countries where single-sex schools were rare, students did better. Perhaps the difference results from Belgian students in single- sex schools not thinking of themselves as special because of this

experience.

Because there is yet no data on effects of single-sex American public schools, advocates of boys-only primary schools in violent communities rely on research by Rhode Island professor Cornelius Riordan showing that black and Hispanic boys do better in male Catholic high schools with mostly male faculties than do demographically matched boys in mixed-gender Catholic schools. (In both cases, there were few white students). Boys in single-sex schools had better test scores, were more likely to take academic courses, and felt more control over their environments. But in Riordan's sample, tuitions at boys' schools were nearly 20 percent higher than at co-ed schools. This may or may not have been significant. In both all-boys and co-ed schools, teachers were over 80 percent white, providing no evidence for African-American role-model theories on which many advocates rely. And Riordan studied high schools, while most public single-sex experimentation has been for younger children.

These experiments should continue. They will be disturbing only if advocates believe minority boys' fatalism and lack of academic ambition stems from faulty pedagogy, not reality. Increasingly today, inner city youth who succeed in school find deteriorated labor market opportunities. High school graduation rates and test scores of black males improved consistently over the last 15 years, while average wages of graduates plummeted. Alan Greenspan's Federal Reserve Board policy is to maintain, as a hedge against possible inflation, a permanent corps of 5 to 6 percent unemployed. This, of course, is an average. It includes less than 5 percent of unemployment for adult males, and 35 percent unemployment of black teenagers. What if Pete Wilson's "strong male teachers" as "alternatives to gang leaders" were to become really widespread, and single sex schools inspired boys to, as Wilson declared, "escape a life on the streets?" The Fed would feel obligated to raise interest rates to slow the economy and keep them on the streets, guaranteeing pedagogical reform no lasting effect. Unfortunately, the best role models for young black and Hispanic boys are not male teachers, but older brothers who can't find decent jobs when they graduate. School reform shouldn't wait for economic change, but until economic change happens, reform could spin its wheels.

Economics and Politics, *Idea Central* / *epn@epn.org*
Copyright 1995 New Prospect, Inc.

Joining the Debate Can Affect the Outcome on Affirmative Action

The Austin American-Statesman, July 15, 1996
Copyright 1996 The Austin American-Statesman
By Rosa A. Eberly
Reprinted with permission

The U.S. Supreme Court's refusal to hear Hopwood vs. Texas suggests that even the highest court in the land is not yet willing to bring closure to what has been a long national debate on affirmative action in, and desegregation of, higher education.

Attorney General Dan Morales' surprisingly simplistic interpretation of the court's action notwithstanding, our nation and state are faced with the baffling reality of contradictory laws regarding the role of race in college admissions -- a situation that will work to the disadvantage of Texas colleges and universities and, ultimately, of all the citizens of the state.

As measured by the results of polls -- and the volume of mail received in UT President Robert Berdahl's office -- public opinion in Texas runs about 80 percent "against" and 20 percent "for" certain affirmative action policies. Yet poll questions are designed to elicit "yes" or "no" answers, even though issues as complicated as these cannot be genuinely deliberated using a kind of discourse that allows only for one of two, one-word responses.

Further, individual respondents' opinions as reported in polls often contradict one another and in no way clearly translate into what people would decide at particular times and facing specific questions of judgment or action. In other words, the opinions of different publics on matters such as these are more complicated than opinion-poll research, as generally practiced, can account for.

That's one reason we need more public deliberation in the University of Texas community, around Texas and across the nation on issues that profoundly affect all of us.

One of my areas of research is the connection between legal and public discourses. How does public argument affect court decisions on controversial public and social issues?

Interestingly, several things about our nation's deliberations over affirmative action as a means of desegregating higher education resemble national debates about obscenity in the early 1960s.

When the Supreme Court in the early and mid-1960s regularly affirmed contradictory state and local statutes ruling certain books obscene -- Henry Miller's "Tropic of Cancer" was the

object of more than 60 court cases just in the Chicago area between 1961 and 1965 -- the opinions of individuals and groups of citizens writing publicly profoundly affected the course of the obscenity debates in this country. The debate was not left for only the elites to decide.

Indeed, in certain places, debates about censorship continue to flare. Yet 30 years after "Tropic of Cancer" gained the legal right to circulate in the United States, a foundation of Supreme Court rulings exists supporting publication of discourses with redeeming artistic and/or social value and which do not violate contemporary community standards. There is no such national consensus, however tenuous, on affirmative action now.

What can you do if you are concerned about the future of affirmative action? Most importantly, you can continue to educate yourself about the history of segregation, integration and affirmative action in Texas and the United States.

Many Texans, for instance, believe that affirmative action policies have resulted in lower admissions standards at state universities. But according to Jorge Chapa, associate dean of the LBJ School of Public Affairs at UT, the opposite is true: Especially in graduate and professional programs, affirmative action policies have made it possible to attract outstanding minority applicants from all over the country, raising the standard of admission for everyone.

Read widely, and reflect on your own experiences in the wake of what you read. Discuss the issue with people you respect but with whom you might disagree. Share your experiences with others, again in light of what you learn about the issue.

CRITICAL THINKING QUESTIONS

1. When should we segregate students in school? When should we avoid it?

2. Should boys be segregated from girls in academic subjects? How about one race from another? Will such segregation create better opportunities for all, or deny them?

3. What do you think is really unfair in school?

4. Is it important to go to school with other students who have different backgrounds?

5. What factors contribute most to school success? (Race? Income? Gender?)

6. Who among us is responsible for the inequality that existed in the past?

7. What should "equal opportunity" lead to? How do we know when it has been achieved?

8. If minortiy students went to really poor public schools for their education, should the community colleges have programs that help them catch up?

9. Equal opportunity does not guarantee that everyone will use their opportunities well. How can we tell the difference between a student who hasn't had a chance and one who is wasting his chances? If we <u>can</u> tell the difference, what should we do about it?

874-S

Additional copies of this publication may be purchased for $3.00 per copy (includes shipping and handling), **plus current California sales tax.**

Senate Publications
1020 N Street, Room B-53
Sacramento, CA 95814
(916) 327-2155

Make checks payable to SENATE RULES COMMITTEE.
Please include Senate Publication Number 874-S when ordering.

BEST COPY AVAILABLE